

FEDERAL REGISTER

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Washington, Wednesday, March 4, 1959

Title 3—THE PRESIDENT

Proclamation 3276

PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1959

By the President of the United States
of America

A Proclamation

WHEREAS on April 14, 1959, the twenty-one American Republics will celebrate and commemorate the sixty-ninth anniversary of the founding of an organization for inter-American cooperation, now known as the Organization of American States; and

WHEREAS the solidarity of the American Republics in support of the ideals of a just peace, freedom, and human progress demonstrates to the rest of mankind the beneficial results of friendship among nations; and

WHEREAS the good will and cooperation among the peoples of the Americas have yielded increasing benefits of a material and spiritual nature to all:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Tuesday, April 14, 1959, as Pan American Day, and the period from April 12 to April 18, 1959, as Pan American Week; and I invite the Governors of the States and possessions of the United States of America, the Governor of the Commonwealth of Puerto Rico, and the Governor of the Territory of Hawaii to issue similar proclamations.

I also urge our citizens and all interested organizations to join in the appropriate observance of Pan American Day and Pan American Week, in testimony of the steadfast friendship which unites the people of the United States with the peoples of the other American Republics.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fifth day of February in the year of our Lord nineteen hundred [SEAL] and fifty-nine and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F.R. Doc. 59-1915; Filed, Mar. 2, 1959; 1:38 p.m.]

Proclamation 3277

TENTH ANNIVERSARY OF THE NORTH ATLANTIC TREATY

By the President of the United States
of America
A Proclamation

WHEREAS ten years ago, on April 4, 1949, the North Atlantic Treaty was signed at Washington by Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom, and the United States; and

WHEREAS Greece and Turkey each became a party to the treaty on February 18, 1952, and the Federal Republic of Germany did likewise on May 6, 1955; and

WHEREAS this treaty has resulted in collaboration for the common defense and in political cooperation among the fifteen members of the North Atlantic Treaty Organization to a degree unprecedented in history, and has thereby significantly contributed to economic, social, and cultural progress among the peoples of the North Atlantic area; and

WHEREAS this association of free nations is a mainstay of peace and a shield of freedom; and

WHEREAS the North Atlantic Treaty Organization has requested its member

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CFR SUPPLEMENTS (As of January 1, 1959)

The following supplement is now available:

Title 47, Part 30 to end (\$0.30)

Previously announced: Title 3, 1958 Supp. (\$0.35); Title 8 (\$0.35); Titles 22-23 (\$0.35); Title 25 (\$0.35); Title 46, Parts 146-149, 1958 Supp. 2 (\$1.50); Title 49, Parts 91-164 (\$0.40)

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governments to arrange and encourage, in their respective countries, appropriate observances and celebrations on the occasion of this anniversary:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby direct the attention of the Nation to Saturday, April 4, 1959, as the tenth anniversary of the signing of the North Atlantic Treaty; and I call upon all agencies and officials of the Federal Government, upon the Governors of the States, and upon the officers of local governments to encourage and facilitate the suitable observance of this occasion.

I also urge all citizens to participate in appropriate activities and ceremonies, in cooperation with the American Council on NATO, in recognition of the objectives and achievements of the North Atlantic Treaty Organization.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fifth day of February in the year of our Lord nineteen hundred [SEAL] and fifty-nine, and of the Independence of the United States, of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F.R. Doc. 59-1916; Filed, Mar. 2, 1959;
1:38 p.m.]

Proclamation 3278

SUPPLEMENTING PROCLAMATION NO. 3040¹ OF DECEMBER 24, 1953, BY FULLY PROCLAIMING CONCESSIONS ON CERTAIN MEAT PRODUCTS, AND CORRECTING CERTAIN ERRORS

By the President of the United States
of America
A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as then amended (19 U.S.C. 1351), the President entered into a trade agreement providing for the accession to the General Agreement on Tariffs and Trade (61 Stat. (pts. 5 and 6) A7, A11 and A2051) of the Governments of the Kingdom of Denmark, the Dominican Republic, the Republic of Finland, the Kingdom of Greece, the Republic of Haiti, the Republic of Italy, the Republic of Liberia, the Republic of Nicaragua, the Kingdom of Sweden, and the Oriental Republic of Uruguay, which trade agreement for accession consists of the Annex Protocol of Terms of Accession to the General Agreement on Tariffs and Trade, dated October 10, 1949, including the annexes thereto (64 Stat. (pt. 3) B139);

¹ 18 F.R. 8815; 3 CFR, 1949-1953 Comp., p. 211.

2. WHEREAS, by Proclamation No. 2867 of December 22, 1949 (64 Stat. (pt. 2) A380), the President proclaimed such modifications of existing duties and the other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the designated trade agreement for accession on and after January 1, 1950;

3. WHEREAS that proclamation has been supplemented by subsequent proclamations including Proclamation No. 3040 of December 24, 1953 (68 Stat. (pt. 2) C26);

4. WHEREAS the seventh recital of Proclamation No. 3040 set forth that serious problems which had developed in the cattle and beef situation in the United States since the negotiation of the trade agreement for accession specified in the first recital of this proclamation rendered inappropriate the application to the products specified in items 705 and 706 in Part I of Schedule XX in Annex A of that trade agreement of rates of duty lower than the rates then applicable to such products;

5. WHEREAS the proviso in Part I of Proclamation No. 3040 states that unless and until the President proclaims that the circumstances set forth in the seventh recital of that proclamation no longer exist the provisions of items 705 and 706 in that Part I shall be applied as though they were stated in the manner set forth in the eighth recital of that proclamation instead of as set forth in Part I of the Schedule XX;

6. WHEREAS I determine that the application of the provisions of items 705 and 706 in Part I of Schedule XX as set forth therein is required or appropriate to carry out the designated trade agreement for accession; and

7. WHEREAS in Part I of Schedule XX annexed to the Sixth Protocol of Supplementary Concessions to the General Agreement on Tariffs and Trade of May 23, 1956 (7 UST (pt. 2) 1330), which is a trade agreement entered into pursuant to section 350 of the Tariff Act of 1930, as amended, and to which effect was given by Part I of Proclamation No. 3140 of June 13, 1956 (70 Stat. C40), (a) the rate in Column C in item 776 was erroneously set forth as "0.623¢ per lb." instead of "0.625¢ per lb.", and (b) the ad-valorem part of the rate in Column C in item 1115(a) applicable to clothing and articles of wearing apparel valued over \$4 per pound was erroneously set forth as "22%" instead of "21%";

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as now amended (19 U.S.C. 1351), do proclaim as follows:

PART I

(1) The circumstances set forth in the seventh recital of Proclamation No. 3040 of December 24, 1953, no longer exist, and

(2) To the end that the trade agreement for accession specified in the first

recital of this proclamation may be carried out, on and after the day following the date of this proclamation the proviso in Part I of Proclamation No. 3040 shall be terminated, and items 705 and 706 in Part I of Schedule XX in Annex A of the trade agreement for accession specified in the first recital of this proclamation shall be included in the list set forth in the ninth recital of Proclamation No. 2867 of December 22, 1949, as supplemented by subsequent proclamations.

PART II

Proclamation No. 3140 of June 13, 1956, shall be applied as though Part I of Schedule XX annexed to the trade agreement specified in the seventh recital of this proclamation had provided (a) for a rate of "0.625¢ per lb." in Column C in item 776, and (b) for a rate of "37.5¢ per lb. and 21% ad val." in Column C in item 1115(a), applicable to clothing and articles of wearing apparel valued over \$4 per pound.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of February in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F.R. Doc. 59-1914; Filed, Mar. 2, 1959;
1:38 p.m.]

RULES AND REGULATIONS

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Civil and Defense Mobilization

Effective upon publication in the FEDERAL REGISTER, paragraph (b) is added to § 6.163 as set out below.

§ 6.163 Office of Civil and Defense Mobilization.

* * * * *

(b) One Legislative Labor Manpower Specialist, Manpower Office, Resources and Production Area.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-1852; Filed, Mar. 3, 1959;
8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Percentage Limitation on Acquisition of Stock in Small-Business Investment Company

§ 222.111 Percentage limitation on acquisition of stock in small-business investment company.

(a) An interpretation of the Board (§ 222.107) published at 23 F.R. 7813 dealt with the question of whether, and to what extent, the Bank Holding Company Act of 1956 permits a bank holding company or its subsidiary banks to acquire shares in a small business investment company ("SBIC") organized pursuant to the Small Business Investment Act of 1958 ("SBI Act").

(b) That interpretation pointed out that the general prohibition in section 4 of the Bank Holding Company Act against a bank holding company's acquiring "direct or indirect ownership or control of any voting shares of any company which is not a bank or a bank holding company" is subject to an exemption in section 4(c) (4) for stocks of the kinds and amounts eligible for investment by a national bank; that section 302(b) of the SBI Act permits a national bank to purchase shares of stock in SBIC's "in an amount aggregating [not] more than one per cent of [the bank's] capital and surplus"; and that, accordingly, a bank holding company may invest in stock of an SBIC up to the specified one per cent. The interpretation also expressed the view, however, that section 6(a) (1) of the Bank Holding Company Act applies a further limitation to banking subsidiaries of a bank holding company; and that under that section such a subsidiary bank could not invest in the stock of an SBIC if the SBIC is, or would become by the investment, a "subsidiary" of the bank's parent holding company.

(c) Two further questions have arisen concerning the amount of stock of an SBIC that may be acquired by a bank holding company. The first relates to the definition of "capital and surplus" under the one percent limitation of section 302 (b) of the SBI Act. Since the amount of SBIC stock eligible for investment by a national bank under the SBI Act is limited to one percent of the bank's capital and surplus, it is the Board's view that the amount eligible for investment by a bank holding company is similarly limited to one percent of the holding company's capital and surplus. In order to apply this limitation, however, it is necessary to define the term "capital and surplus." While the matter is not entirely free from doubt, it is the opinion of the Board that, since neither the SBI Act nor its legislative history supplies a definition, the term should be interpreted in accordance with

generally accepted accounting and reporting procedures applicable to the investing entity, in the present case, the bank holding company.

(d) The second question concerns the method of applying the one percent limitation stated in section 302(b) of the SBI Act when all or part of the shares of the SBIC are owned by a subsidiary of the bank holding company. For example, the SBIC shares might be owned by a bank holding company which is a subsidiary of another bank holding company, or by a subsidiary bank in a case where the SBIC is not a subsidiary of the bank's parent holding company. Since ownership or control of stock by a subsidiary should be regarded as indirect ownership or control of such stock by the parent, the Board is of the opinion that the amount invested in an SBIC by the holding company and by its subsidiaries must be added together to determine whether the total amount directly and indirectly invested by the holding company exceeds the amount permissible, that is to say, exceeds one percent of the holding company's capital and surplus. Assuming that no other exception is available in the particular case, acquisition or retention by the holding company of direct or indirect control of any amount in excess of that one percent would be prohibited by section 4 of the Bank Holding Company Act. Thus, a particular subsidiary of a bank holding company could not invest in the stock of an SBIC if such investment, together with the investments of the parent bank holding company and of other subsidiaries, would exceed one percent of the capital and surplus of the parent bank holding company.

(Sec. 5(b), 70 Stat. 137; 12 U.S.C. 1844)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-1835; Filed, Mar. 3, 1959;
8:46 a.m.]

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Indirect Control of Small Business Concern Through Convertible Debentures Held by Small Business Investment Company

§ 222.112 Indirect control of small business concern through convertible debentures held by small business investment company.

(a) A question has been raised concerning the applicability of provisions of the Bank Holding Company Act of 1956 to the acquisition by a bank holding company of stock of a small business investment company ("SBIC") organized pursuant to the Small Business Investment Act of 1958 ("SBI Act").

(b) As indicated in the interpretation of the Board (§ 222.107) published at 23 F.R. 7813, it is the Board's opinion that, since stock of an SBIC is eligible for purchase by national banks and since

section 4(c) (4) of the Holding Company Act exempts stock eligible for investment by national banks from the prohibitions of section 4 of that Act, a bank holding company may lawfully acquire stock in such an SBIC.

(c) However, section 304 of the SBI Act provides that debentures of a small business concern purchased by a small business investment company may be converted at the option of such company into stock of the small business concern. The question therefore arises as to whether, in the event of such conversion, the parent bank holding company would be regarded as having acquired "direct or indirect ownership or control" of stock of the small business concern in violation of section 4(a) of the Holding Company Act.

(d) The Small Business Investment Act clearly contemplates that one of the primary purposes of that Act was to enable SBICs to provide needed equity capital to small business concerns through the purchase of debentures convertible into stock. Thus, to the extent that a stockholder in an SBIC might acquire indirect control of stock of a small business concern, such control appears to be a natural and contemplated incident of ownership of stock of the SBIC. The Office of the Comptroller of the Currency has informally indicated concurrence with this interpretation insofar as it affects investments by national banks in stock of an SBIC.

(e) Since the exception as to stock eligible for investment by national banks contained in section 4(c) (4) of the Holding Company Act was apparently intended to permit a bank holding company to acquire any stock that would be eligible for purchase by a national bank, it is the Board's view that section 4(a) (1) of the Act does not prohibit a bank holding company from acquiring stock of an SBIC, even though ownership of such stock may result in the acquisition of indirect ownership or control of stock of a small business concern which would not itself be eligible for purchase directly by a national bank or a bank holding company.

(Sec. 5(b), 70 Stat. 137; 12 U.S.C. 1844)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-1836; Filed, Mar. 3, 1959;
8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 158, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel

oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) and (ii) of § 914.458 (Navel Orange Regulation 158, 24 F.R. 1343) are hereby amended to read as follows:

(i) District 1: 757,680 cartons;

(ii) District 2: 535,920 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: February 27, 1959.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 59-1870; Filed, Mar. 3, 1959;
8:50 a.m.]

Title 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board— Federal Aviation Agency

SUBCHAPTER B—ECONOMIC REGULATIONS

[Regulation ER-254]

PART 242—FILING OF REPORTS BY SUPPLEMENTAL AIR CARRIERS AND LARGE IRREGULAR AIR CARRIERS Filing of Reports by Supplemental Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1959.

In its decision in the Large Irregular Air Carrier Investigation, Docket No. 5132 et al., dated January 28, 1959, the Board adopted Order No. E-13436 creating a new class of certificated supplemental air carriers and defining the

scope of their operating authority. Part 242 in its present form contains reporting requirements for supplemental air carriers authorized by exemption under Order E-9744. Since these reporting requirements are consistent with the operating conditions applicable to the new class of supplemental air carriers, they may be made applicable to such carriers without substantive change.

Since all persons who receive authority under Order E-13436 have already been subject to Part 242 or have applied for operating authority as supplemental air carriers with knowledge of the reporting requirements of Part 242 and without objecting thereto, this amendment does not impose any new reporting obligation on any person. The Board therefore finds that notice and public proceedings hereon are unnecessary and not in the public interest.

Accordingly, the Board hereby amends Part 242 of the Economic Regulations, as amended, 14 CFR Chapter I, Subchapter B, Part 242, effective March 30, 1959, by:

(1) Replacing the period at the end of paragraph (d) of § 242.1 *Definitions* with a comma and adding to said paragraph the words "or in Board Order No. E-13436 and holding a Temporary Certificate of Public Convenience and Necessity for Supplemental Air Service issued thereunder."

(2) Adding to § 242.2 a note to read:

NOTE: Although Amendment No. 2 to this part is effective on March 30, 1959, carriers may submit their reports in the usual form for the entire month of March 1959 and the quarter ending March 31, 1959.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 407, 72 Stat. 766; 49 U.S.C. 1377)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-1854; Filed, Mar. 3, 1959;
8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54792]

PART 16—LIQUIDATION OF DUTIES Countervailing Duties; Almonds From Spain

FEBRUARY 26, 1959.

The table containing a list of countervailing duty orders or notices currently in effect amended by the above identified document published in the FEDERAL REGISTER on February 17, 1959, 24 F.R. 1177, was inadvertently referred to as being in § 16.24(a) of the Customs regulations. The reference should have read "§ 16.24(f)".

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 59-1851; Filed, Mar. 3, 1959;
8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Intracoastal Waterway, Fla.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.446b governing the operation of the State Road Department of Florida bridge (State Road No. 84) at Mile 4.4, near Fort Lauderdale, Florida, is hereby redesignated as § 203.446c and a new § 203.446b is hereby prescribed to govern the operation of the Hallandale bridge at Hallandale, Florida, to become effective on March 4, 1959 as follows:

§ 203.446b Intracoastal Waterway, Fla.; Hallandale bridge at Hallandale, Fla.

(a) During the period November 15, to May 15, both dates inclusive, the owner or agency controlling this bridge will not be required to open the drawspan between the hours of 10:15 a.m., and 6:15 p.m., except on half-hour intervals, on the quarter-hour and three quarter-hour when the bridge shall be opened to allow all accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) Upon receipt of proper signal the draw shall be opened at any time to allow the passage of a tow, sailing vessel, vessel in distress, and cruise boats operating on regular schedule.

(c) The owner of or agency controlling this bridge shall erect and maintain, on both sides thereof, signs acceptable to the District Engineer, Corps of Engineers, setting forth the salient features of the special regulations of this section.

§ 203.446c South Fork of New River, Fla.; State Road Department of Florida bridge (State Road No. 84) at Mile 4.4, near Fort Lauderdale, Fla.

[Redesignated]

[Regs., February 25, 1959, ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

BRUCE EASLEY,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 59-1886; Filed, Mar. 3, 1959;
8:51 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 13—ADMISSION, GUIDE, ELE- VATOR AND AUTOMOBILE FEES

Home of Franklin D. Roosevelt National Historic Site

Basis and purpose. The purpose of this amendment is to delete from the

present National Park Service regulation language which is in conflict with a regulation (44 CFR 3.50) issued by the Administrator, General Services Administration (24 F.R. 23). The fee of 25 cents for admission to the Home of Franklin D. Roosevelt National Historic Site remains unchanged.

Paragraph (c) of § 13.13 *Admission fees; miscellaneous*, is amended to read as follows:

(c) A fee of 25 cents shall be charged each person entering the Home of Franklin D. Roosevelt National Historic Site. No charge shall be made for persons desiring to visit only the grave of Franklin D. Roosevelt.

Since the effect of this amendment is merely to correct the regulation, notice and public procedure thereon are considered to be unnecessary and the amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C. 3)

ELMER F. BENNETT,
Acting Secretary of the Interior.

FEBRUARY 26, 1959.

[F.R. Doc. 59-1837; Filed, Mar. 3, 1959;
8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 59-159]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Television Broadcast Translator Stations

1. The Commission has before it for consideration §§ 4.736(c) and 4.750(c) of its rules and regulations relating to television broadcast translator stations.

2. On August 30, 1956, the Commission adopted an amendment (FCC 56-823), published in the FEDERAL REGISTER September 8, 1956 (21 F.R. 6827), which added footnotes to §§ 4.736(c) and 4.750(c), subparagraphs (2) and (4) providing that transmitters installed prior to January 1, 1958, would not have to meet certain requirements as to the suppression of emissions outside the authorized channels, provided that in the event interference is caused to other stations as the result of such out-of-band emissions, the licensee takes such steps as might be necessary to eliminate the interference; and that limited type approval would be given to that TV translator equipment submitted prior to September 1, 1957, which complied with the requirements set forth in § 4.750, except those set forth in subparagraphs (2) and (4) of paragraph (c), provided reasonable precautions are taken in the design of the equipment, to minimize the interference potential.

3. On January 3, 1958, the Commission adopted a Report and Order (FCC

58-13) amending the footnotes to §§ 4.736(c) and 4.750(c), subparagraphs (2) and (4), extending the period for compliance with the rules relating to suppression of out-of-band emissions from January 1, 1958, to January 1, 1959, and for limited type approval of TV translator equipment complying with the relaxed bandwidth limits from September 1, 1957, to September 1, 1958, pending the completion of a study as to the possibility of reducing the performance requirements originally specified for translator equipment. This study is not yet completed, and the Commission therefore believes that it would be desirable to extend the period for compliance with the rules relating to suppression of out-of-band emissions for an additional period of one year.

4. Since the amendments adopted herein merely extend the date for compliance with bandwidth limits and represent a relaxation of the requirements by postponing the date for compliance, general notice of proposed rule making, pursuant to the provision of section 4 of the Administrative Procedure Act is un-

necessary, and the amendments may become effective immediately.

5. Authority for the amendments adopted herein is found in sections 4(i), 303(f) and 303(r) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *it is ordered*, That, effective February 25, 1959, § 4.736(c) is amended to specify January 1, 1960, instead of January 1, 1959; and the notes to § 4.750(c) (2) and (4) are amended to specify January 1, 1960, instead of January 1, 1959, and September 1, 1959, instead of September 1, 1958.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: February 25, 1959.

Released: February 27, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1858; Filed, Mar. 3, 1959;
8:49 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

17 CFR Part 29 I

TOBACCO INSPECTION

Subpart C—Standards

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Official Standard Grades for Maryland Broadleaf Tobacco, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standard grades should file the same with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

1. Renumber § 29.601 of Subpart D as § 29.8001.

2. Renumber § 29.701 of Subpart E as § 29.9001.

3. Insert in Subpart C of Title 29 immediately after § 29.582 the following:

OFFICIAL STANDARD GRADES FOR MARYLAND BROADLEAF TOBACCO (U.S. TYPE 32)

DEFINITIONS

Sec.
29.3251 Definitions.
29.3252 Air-cured.
29.3253 Air-dried.
29.3254 Body.
29.3255 Brown color (D).

Sec.
29.3256 Cherry color (F).
29.3257 Class.
29.3258 Clean.
29.3259 Color.
29.3260 Color intensity.
29.3261 Color symbols.
29.3262 Condition.
29.3263 Crude.
29.3264 Cured.
29.3265 Damage.
29.3266 Dirty.
29.3267 Elements of quality.
29.3268 Fiber.
29.3269 Finish.
29.3270 Foreign matter.
29.3271 Form.
29.3272 Grade.
29.3273 Gradenmark.
29.3274 Green (G).
29.3275 Greenish (V).
29.3276 Group.
29.3277 Injury.
29.3278 Leaf scrap.
29.3279 Leaf structure.
29.3280 Leaf surface.
29.3281 Length.
29.3282 Lot.
29.3283 Mahogany color (R).
29.3284 Maryland Broadleaf, Type 32.
29.3285 Maturity.
29.3286 Nested.
29.3287 No grade.
29.3288 Offtype.
29.3289 Oil.
29.3290 Order (case).
29.3291 Package.
29.3292 Packing.
29.3293 Prematurity.
29.3294 Quality.
29.3295 Raw.
29.3296 Rework.
29.3297 Semicured.
29.3298 Side.
29.3299 Sound.
29.3300 Special factor.
29.3301 Steam-dried.
29.3302 Stem.
29.3303 Stemmed.
29.3304 Strength (tensile).

Sec.	
29.3305	Strips.
29.3306	Subgrade.
29.3307	Sweated.
29.3308	Sweating.
29.3309	Tan color (L).
29.3310	Tobacco.
29.3311	Tobacco products.
29.3312	Type.
29.3313	Undried.
29.3314	Uniformity.
29.3315	Unsound (U).
29.3316	Unstemmed.
29.3317	Upper Country.
29.3318	Variegated (K).
29.3319	Wet (W).
29.3320	Width.

ELEMENTS OF QUALITY

29.3351	Elements of quality and degrees of each element.
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RULES

29.3353	Rules.
29.3354	Rule 1.
29.3355	Rule 2.
29.3356	Rule 3.
29.3357	Rule 4.
29.3358	Rule 5.
29.3359	Rule 6.
29.3360	Rule 7.
29.3361	Rule 8.
29.3362	Rule 9.
29.3363	Rule 10.
29.3364	Rule 11.
29.3365	Rule 12.
29.3366	Rule 13.
29.3367	Rule 14.
29.3368	Rule 15.
29.3369	Rule 16.
29.3370	Rule 17.
29.3371	Rule 18.
29.3372	Rule 19.
29.3373	Rule 20.
29.3374	Rule 21.
29.3375	Rule 22.

GRADES

29.3401	Ground Leaves (P Group).
29.3402	Seconds (X Group).
29.3403	Bright-crop or Thin-crop (C Group).
29.3404	Dull-crop or Heavy-crop (B Group).
29.3405	Tips (T Group).
29.3406	Nondescript (N Group).
29.3407	Scrap (S Group).

DEFINITIONS

§ 29.3251 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.3252 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent house-burn and barn-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.3253 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.3254 Body.

The thickness and density of a leaf or weight per unit of surface. (See Elements of Quality.)

§ 29.3255 Brown color (D).

A dun, murky or dark chocolate-brown.

§ 29.3256 Cherry color (F).

A light or bright red shaded toward tan.

§ 29.3257 Class.

A major division of tobacco based on characteristics caused by varieties, soils, or climatic conditions, or by the method of cultivation, harvesting, or curing.

§ 29.3258 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See rule 19.)

§ 29.3259 Color.

The third factor of a grade, based on the relative hues, saturations or chroma, and color values common to the type.

§ 29.3260 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to all colors except variegated. Color intensity is reversed in its application to grades of green and greenish tobaccos and is omitted from these grade specifications. (See Elements of quality.)

§ 29.3261 Color symbols.

As applied to Maryland Broadleaf, color symbols are: L—tan, F—cherry, R—mahogany, D—brown, K—variegated, V—greenish, and G—green.

§ 29.3262 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged. Maryland Broadleaf is air-dried or steam-dried for storage and aging.

§ 29.3263 Crude.

The lowest degree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from sunburn or sunscald. Any leaf which is crude to the extent of 20 percent of its leaf surface may be described as crude. (See rule 18.)

§ 29.3264 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.3265 Damage.

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state, including the odor of mold, must, or rot. (See rule 21.)

§ 29.3266 Dirty.

The state of tobacco containing an abnormal amount of sand or dirt, or tobacco to which additional quantities of dirt or sand have been added. (See rule 22.)

§ 29.3267 Elements of quality.

Elements of quality and the degrees used in the specifications of the official

standard grades of Maryland Broadleaf, Type 32, are shown in § 29.3351. Words have been selected to describe the degrees of each element of quality. Some of the words are almost synonymous in their meaning, yet, they are sufficiently different to represent steps within the range of the elements of quality to which they are applied.

§ 29.3268 Fiber.

The term applied to the veins in a tobacco leaf. The large central vein is called the midrib or stem. The smaller lateral and cross veins are considered from the standpoint of size and color and in some types are treated as elements of quality. In Maryland Broadleaf these elements of quality are not of great importance except where a fine distinction must be made between several lots of high quality or between sides of the same lot.

§ 29.3269 Finish.

The reflectance factor in color perception. As applied to tobacco colors, it is used to describe the clearness or brightness of a color or hue. The declining degrees of reflectance are associated with increasing grayness or dinginess. Finish is applicable to all colors except variegated. (See Elements of quality.)

§ 29.3270 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, et cetera. Abnormal amounts of dirt or sand also are included. (See rule 22.)

§ 29.3271 Form.

The stage of preparation of tobacco such as Unstemmed or Stemmed.

§ 29.3272 Grade.

A subdivision of a type according to group and quality, and according to color when it is of sufficient importance to be treated as a separate factor.

§ 29.3273 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter to indicate color. For example, C2L means Bright-crop, second quality, and tan color.

§ 29.3274 Green (G).

A color term applied to immature or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green. (See rule 17.)

§ 29.3275 Greenish (V).

A color term applied to relatively thin underripe tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See rule 16.)

§ 29.3276 Group.

A division of a type covering several closely related grades based on the general quality of tobacco. Groups in Maryland Broadleaf, Type 32, are: Ground Leaves (P), Seconds (X), Bright-

crop or Thin-crop (C), Dull-crop or Heavy-crop (B), Tips (T), Nondescript (N), and Scrap (S).

§ 29.3277 Injury.

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides or fungicides; nutritional deficiencies or excesses; or improper fertilization, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, steam-burnt, barn-burnt, house-burnt, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frog-eye, mosaic, root rot, wilt, black shank, or other diseases. (See Elements of quality and rule 14.)

§ 29.3278 Leaf scrap.

A by-product of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.3279 Leaf structure.

The cell development of a leaf as indicated by its porosity or solidity. (See Elements of quality.)

§ 29.3280 Leaf surface.

The smoothness or roughness of the web or lamina of a tobacco leaf as it is affected by the size and shrinkage of the veins or fibers. (See Elements of quality.)

§ 29.3281 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See Elements of quality.)

§ 29.3282 Lot.

A pile, basket, bulk, hack, burden, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.3283 Mahogany color (R).

A deep or dark red shaded toward brown.

§ 29.3284 Maryland Broadleaf, Type 32.

That type of air-cured tobacco also known as Southern Maryland or Maryland air-cured tobacco produced principally in southern Maryland.

§ 29.3285 Maturity.

The degree of ripeness. Tobacco is mature when it reaches its prime state of development. The extremes are expressed as crude and mellow. (See Elements of quality.)

§ 29.3286 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes: (a) Any lot of tobacco which contains damaged, injured, tangled, or other inferior tobacco, foreign matter, or an abnormal quantity of sand or dirt, any of which

cannot be readily detected upon inspection because of the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are placed or arranged to conceal inferior quality leaves on the inside of the hands or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves; (d) any lot of tobacco which consists of distinctly different grades, qualities, or conditions and which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers. (See rule 22.)

§ 29.3287 No grade.

A designation applied to a lot of tobacco indicating that it is not gradeable. Included under this classification are: Nested, offtype, rework, semicured, tobacco damaged 20 percent or more, abnormally dirty tobacco, tobacco containing foreign matter, and tobacco having an odor foreign to the type. (See rule 22.)

§ 29.3288 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Maryland Broadleaf, Type 32. Upper Country tobacco, Type 32b, is not considered as offtype. (See definitions of No grade and Upper Country and rule 22.)

§ 29.3289 Oil.

A soft, semifluid constituent of tobacco. Oil, although present in Maryland Broadleaf tobacco to a limited degree, is not considered an element of quality in the specifications of the standard grades for this type.

§ 29.3290 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.3291 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.3292 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.3293 Prematurity.

A condition of growth and development characteristic of the lower leaves of the tobacco plant. Premature leaves have some appearance of overripeness due to a process of starvation caused by translocation of plant food elements from these leaves to other leaves higher on the stalk.

§ 29.3294 Quality.

A division of a group, forming the second factor of a grade, based upon the relative degree of one or more of the elements of quality in tobacco.

§ 29.3295 Raw.

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.3296 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market. (See definition of No grade and rule 22.)

§ 29.3297 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swell stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See rule 22.)

§ 29.3298 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.3299 Sound.

Free of damage.

§ 29.3300 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rule 9.)

§ 29.3301 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.3302 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.3303 Stemmed.

A form of tobacco from which the stems or midribs have been removed, including both strips and strip scrap.

§ 29.3304 Strength (tensile).

The stress a tobacco leaf can bear without tearing. Tensile strength is not an important element of quality in Maryland Broadleaf tobacco.

§ 29.3305 Strips.

The sides of a tobacco leaf from which the stem has been removed; or a lot of tobacco composed of strips.

§ 29.3306 Subgrade.

Any grade modified by a special factor symbol.

§ 29.3307 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

§ 29.3308 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.3309 Tan color (L).

A light yellowish-red.

§ 29.3310 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.3311 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.3312 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.3313 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.3314 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed in the grade specifications by using words which indicate varying degrees. A fixed percentage of mixture tolerance is applied to each degree. The percentage of tolerance is applicable to group, quality, and color. (See Elements of quality and rule 13.)

§ 29.3315 Unsound (U).

Damaged under 20 percent. (See rule 21.)

§ 29.3316 Unstemmed.

Whole leaf and leaf scrap from which the stems or midribs have not been removed. (See definition of Form.)

§ 29.3317 Upper Country.

Burley strains and tobacco known as "Upper Country," which do not have the

characteristics of varieties commonly grown in southern Maryland, are classified as Type 32b.

§ 29.3318 Variegated (K).

Any leaf of which 20 percent or more of its surface has a diversity of contrasting colors or tints, including leaves which are yellow, gray, mottled, bleached, or stained and do not blend with the normal colors of the type. Variegated tobacco is characterized by a lower degree of porosity and maturity than tobacco of corresponding group and quality in the normal colors. (See rule 15.)

§ 29.3319 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged, but which is likely to damage if treated in the customary manner. (See rule 20.)

Elements	Degrees					
(1) Body.....	Tissuey.....	Thin.....	Medium.....	Fleshy.....	Heavy.....	Crude.
(2) Maturity.....	Mellow.....	Ripe.....	Mature.....	Underripe.....	Immature.....	
(3) Leaf structure (porosity and solidity).....	Porous.....	Open.....	Firm.....	Compact.....	Hard.....	
(4) Leaf surface (smoothness).....	Smooth.....	Even.....	Crepy.....	Wavy.....	Wrinkly.....	Rough.
(5) Uniformity.....	Uniform.....	Similar.....	Comparable.....	Blended.....	Mingled.....	Mixed. Under 60%.
(6) Finish.....	95%.....	90%.....	80%.....	70%.....	60%.....	
(7) Color intensity.....	Bright.....	Clear.....	Moderate.....	Dull.....	Dingy.....	
(8) Width.....	Deep.....	Strong.....	Moderate.....	Weak.....	Pale.....	(1) Over 40%.
(9) Length.....	Broad.....	Spready.....	Normal.....	Narrow.....	Stringy.....	
(10) Injury tolerance.....	(1).....	(1).....	(1).....	(1).....	(1).....	

¹ Expressed in inches. Applied to a limited number of grades.

RULES**§ 29.3353 Rules.**

The application of these official standard grades shall be in accordance with the following rules:

§ 29.3354 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate the type also shall be stated.

§ 29.3355 Rule 2.

The determination of grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.3356 Rule 3.

In drawing an official sample from a hoghead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than six inches from the top of the package and one not more than six inches from the bottom. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different group, quality, color, length,

§ 29.3320 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See Elements of quality.)

ELEMENTS OF QUALITY**§ 29.3351 Elements of quality and degrees of each element.**

These standardized words or terms are used to describe tobacco quality and assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with type, group, and grade. In each case the first and last degrees shown represent the full range for the element, and the intermediate degrees show gradual steps between them.

and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.3357 Rule 4.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.3358 Rule 5.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.3359 Rule 6.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.3360 Rule 7.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.3361 Rule 8.

In determining the grade of a lot of tobacco the lot as a whole shall be con-

sidered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.3362 Rule 9.

Any special factor symbol, approved by the Director of the Tobacco Division of the Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.3363 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director.

§ 29.3364 Rule 11.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.3365 Rule 12.

Any lot of Dull-crop or Heavy-crop tobacco in which 25 percent or more of its leaves are 16 inches or under in length shall be designated as Tip group (T).

§ 29.3366 Rule 13.

In applying the degree of uniformity indicated in the specifications of a grade, the tolerance of mixture permitted shall be as follows: Uniform, 5 percent; similar, 10 percent; comparable, 20 percent; blended, 30 percent; mingled, 40 percent; and mixed, over 40 percent. These degrees and percentages shall govern the portion of the lot which must be closely related but may be of a different group, quality, or color from the major portion. These percentages shall not affect limitations established by other rules.

§ 29.3367 Rule 14.

The application of injury as an element of quality shall be expressed in terms of a percentage of tolerance. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the kinds of injury normal to the group or grade and the extent to which a particular kind of injury impairs the quality of the tobacco.

§ 29.3368 Rule 15.

Variegated tobacco may be included in any group as follows: In the third quality, 5 percent; in the fourth quality, 10 percent; and in the fifth quality up to 20 percent. Any lot of tobacco containing 20 percent or more of variegated leaves shall be described as "variegated" and designated by the color symbol "K."

§ 29.3369 Rule 16.

Any lot of tobacco containing 20 percent or more of greenish leaves, or any lot which contains 20 percent of greenish and green leaves combined, shall be designated by the color symbol "V."

§ 29.3370 Rule 17.

Any lot of tobacco containing 20 percent or more of green leaves, or any lot

which is not crude but contains 20 percent or more of green and crude combined, shall be designated by the color symbol "G."

§ 29.3371 Rule 18.

Crude leaves shall not be included in any grade of any color except green. Any lot containing 20 percent or more of crude leaves shall be designated as Non-descript.

§ 29.3372 Rule 19.

All standard grades must be clean.

§ 29.3373 Rule 20.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated as "No-G."

§ 29.3374 Rule 21.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated as "No-G."

§ 29.3375 Rule 22.

Tobacco shall be designated as No Grade, using the grademark "No-G," when it is dirty, nested, offtype, semi-cured, needs to be reworked, damaged 20 percent or more, contains foreign matter, or has an odor foreign to the type.

GRADES

§ 29.3401 Ground leaves (P group).

This group consists of leaves from the lowest portion of the stalk. These leaves either drop off at harvesttime or are primed or removed before harvesting. Cured Ground Leaves are open-faced and are the widest leaves on the stalk in relation to their length. They have a rounded tip. Ground Leaves ripen prematurely as the result of starvation. They contain a relatively high percentage of sand and dirt. (See definition of Prematurity.)

U.S. Grade	Grade Names and Specifications
P3L	Good Tan Ground Leaves.

Thin to tissuey, prematurely mellow, open to porous, crepy to even, comparable, dull finish, weak color intensity, and 20 percent injury tolerance.

P4L	Fair Tan Ground Leaves.
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Thin to tissuey, prematurely ripe to mellow, porous, wavy to crepy, blended, dingy finish, pale color intensity, and 30 percent injury tolerance.

P5L	Low Tan Ground Leaves.
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Thin to tissuey, prematurely ripe to mellow, porous, wrinkly to crepy, mingled, dingy finish, pale color intensity, and 40 percent injury tolerance.

P3F	Good Cherry Ground Leaves.
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Thin, prematurely ripe to mellow, open to porous, crepy to even, comparable, dull finish, weak color intensity, and 20 percent injury tolerance.

U.S. Grade	Grade Names and Specifications
P4F	Fair Cherry Ground Leaves.

Thin, prematurely ripe to mellow, porous, wavy to crepy, blended, dingy finish, pale color intensity, and 30 percent injury tolerance.

P5F	Low Cherry Ground Leaves.
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Thin, prematurely ripe to mellow, porous, wrinkly to crepy, mingled, dingy finish, pale color intensity, and 40 percent injury tolerance.

P4R	Fair Mahogany Ground Leaves.
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Medium to thin body, prematurely ripe to mellow, porous, wavy to crepy, blended, dingy finish, pale color intensity, and 30 percent injury tolerance.

P5R	Low Mahogany Ground Leaves.
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Medium to thin body, prematurely ripe to mellow, porous, wrinkly to crepy, mingled, dingy finish, pale color intensity, and 40 percent injury tolerance.

§ 29.3402 Seconds (X group).

This group consists of relatively thin leaves which show material injury characteristic of leaves grown near the ground or below the midpoint of the stalk. Cured Seconds normally have a flat, open face and are wider in relation to their length than leaves from a higher stalk position.

U.S. Grade	Grade Names and Specifications
X1L	Choice Tan Seconds.

Tissuey, mellow, open to porous, smooth, uniform, clear finish, strong color intensity, and 5 percent injury tolerance.

X2L	Fine Tan Seconds.
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Tissuey, mellow, open to porous, even to smooth, similar, clear finish, moderate color intensity, and 10 percent injury tolerance.

X3L	Good Tan Seconds.
-----	-------------------

Thin to tissuey, ripe to mellow, open to porous, crepy to even, comparable, moderate finish, weak color intensity, and 20 percent injury tolerance.

X4L	Fair Tan Seconds.
-----	-------------------

Thin to tissuey, ripe to mellow, open to porous, wavy to crepy, blended, dull finish, pale color intensity, and 30 percent injury tolerance.

X5L	Low Tan Seconds.
-----	------------------

Thin to tissuey, ripe to mellow, open to porous, wrinkly to crepy, mingled, dingy finish, pale color intensity, and 40 percent injury tolerance.

X1F	Choice Cherry Seconds.
-----	------------------------

Thin to tissuey, mellow, open to porous, smooth, uniform, clear finish, strong color intensity, and 5 percent injury tolerance.

X2F	Fine Cherry Seconds.
-----	----------------------

Thin to tissuey, mellow, open to porous, even to smooth, similar, clear finish, moderate color intensity and 10 percent injury tolerance.

X3F	Good Cherry Seconds.
-----	----------------------

Thin, ripe to mellow, open to porous, crepy to even, comparable, moderate finish, weak color intensity, and 20 percent injury tolerance.

X4F	Fair Cherry Seconds.
-----	----------------------

Thin, ripe to mellow, open to porous, wavy to crepy, blended, dull finish, pale color intensity, and 30 percent injury tolerance.

X5F	Low Cherry Seconds.
-----	---------------------

Thin, ripe to mellow, open to porous, wrinkly to crepy, mingled, dingy finish, pale color intensity, and 40 percent injury tolerance.

U.S. Grade	Grade Names and Specifications
X3R	Good Mahogany Seconds. Medium to thin body, ripe to mellow, open to porous, crepy to even, comparable, moderate finish, weak color intensity, and 20 percent injury tolerance.
X4R	Fair Mahogany Seconds. Medium to thin body, ripe to mellow, open to porous, wavy to crepy, blended, dull finish, pale color intensity, and 30 percent injury tolerance.
X5R	Low Mahogany Seconds. Medium to thin body, ripe to mellow, open to porous, wrinkly to crepy, mingled, dingy finish, pale color intensity, and 40 percent injury tolerance.
X4D	Fair Brown Seconds. Medium to thin body, ripe to mellow, open to porous, wrinkly to crepy, blended, dingy finish, pale color intensity, and 30 percent injury tolerance.
X5D	Low Brown Seconds. Medium to thin body, ripe to mellow, open to porous, wrinkly to wavy, mingled, dingy finish, pale color intensity, and 40 percent injury tolerance.
X3K	Good Variegated Seconds. Medium to thin body, underripe to mature, firm, crepy to even, comparable, and 20 percent injury tolerance.
X4K	Fair Variegated Seconds. Medium to thin body, underripe to mature, compact, wavy to crepy, blended, and 30 percent injury tolerance.
X5K	Low Variegated Seconds. Medium to thin body, underripe to mature, compact, wrinkly to wavy, mingled, and 40 percent injury tolerance.
X3V	Good Greenish Seconds. Thin, underripe, open, crepy to even, comparable, moderate finish, and 20 percent injury tolerance.
X4V	Fair Greenish Seconds. Medium to thin body, underripe, firm to open, wavy to crepy, blended, dull finish, and 30 percent injury tolerance.
X5V	Low Greenish Seconds. Medium to thin body, underripe, firm, wrinkly to crepy, mingled, dingy finish, and 40 percent injury tolerance.
X4G	Fair Green Seconds. Medium to thin body, immature, compact, wrinkly to wavy, blended, dingy finish, and 30 percent injury tolerance.
X5G	Low Green Seconds. Medium to thin body, immature, compact, wrinkly to wavy, mingled, dingy finish, and 40 percent injury tolerance.

§ 29.3403 Bright-crop or Thin-crop (C group).

This group consists of leaves usually grown at the midpoint on the stalk. Cured leaves from this stalk position roll or curl and tend to conceal the stem or midrib. These leaves are of relatively thin body compared with the average body of the type. They are spready in relation to their length and have an oblate tip. Little ground injury is found in leaves of this group. Bright-crop or Thin-crop also may be described as first-bright, first-crop, or crop.

U.S. Grade	Grade Names and Specifications
C1L	Choice Tan Bright-crop. Thin to tissuey, ripe to mellow, open, smooth, uniform, bright finish, deep color intensity, broad, over 20 inches long, and 5 percent injury tolerance.
C2L	Fine Tan Bright-crop. Thin to tissuey, ripe to mellow, open, smooth, similar, bright finish, strong color intensity, spready, over 18 inches long, and 10 percent injury tolerance.
C3L	Good Tan Bright-crop. Thin to tissuey, ripe, open, even to smooth, comparable, clear finish, moderate color intensity, normal to spready width, over 16 inches long, and 20 percent injury tolerance.
C4L	Fair Tan Bright-crop. Thin, mature to ripe, firm to open, even, blended, moderate finish, weak color intensity, normal width, and 30 percent injury tolerance.
C5L	Low Tan Bright-crop. Thin, mature to ripe, firm to open, crepy, mingled, dull finish, pale color intensity, narrow to normal width, and 40 percent injury tolerance.
C1F	Choice Cherry Bright-crop. Thin, ripe to mellow, open, smooth, uniform, bright finish, deep color intensity, broad, over 20 inches long, and 5 percent injury tolerance.
C2F	Fine Cherry Bright-crop. Thin, ripe to mellow, open, smooth, similar, bright finish, strong color intensity, spready, over 18 inches long, and 10 percent injury tolerance.
C3F	Good Cherry Bright-crop. Thin, ripe, open, even to smooth, comparable, clear finish, moderate color intensity, normal to spready width, over 16 inches long, and 20 percent injury tolerance.
C4F	Fair Cherry Bright-crop. Thin, mature to ripe, firm to open, even, blended, moderate finish, weak color intensity, normal width, and 30 percent injury tolerance.
C5F	Low Cherry Bright-crop. Thin, mature to ripe, firm to open, crepy, mingled, dull finish, pale color intensity, narrow to normal width, and 40 percent injury tolerance.
C3R	Good Mahogany Bright-crop. Thin, ripe, open, even to smooth, comparable, clear finish, moderate color intensity, normal to spready width, over 16 inches long, and 20 percent injury tolerance.
C4R	Fair Mahogany Bright-crop. Medium to thin body, mature to ripe, firm to open, crepy to even, blended, moderate finish, weak color intensity, normal width, and 30 percent injury tolerance.
C5R	Low Mahogany Bright-crop. Medium to thin body, mature to ripe, firm to open, wavy to crepy, mingled, dull finish, pale color intensity, narrow to normal width, and 40 percent injury tolerance.
C4D	Fair Brown Bright-crop. Medium to thin body, mature to ripe, firm to open, crepy to even, blended, dull finish, weak color intensity, normal width, and 30 percent injury tolerance.
C5D	Low Brown Bright-crop. Medium to thin body, mature to ripe, firm, wavy to crepy, mingled, dingy finish, pale color intensity, narrow to normal width, and 40 percent injury tolerance.

U.S. Grade	Grade Names and Specifications
C3K	Good Variegated Bright-crop. Medium body, mature, firm, crepy to even, comparable, normal to spready width, over 16 inches long, and 20 percent injury tolerance.
C4K	Fair Variegated Bright-crop. Medium body, underripe to mature, compact, wavy to crepy, blended, normal width, and 30 percent injury tolerance.
C5K	Low Variegated Bright-crop. Medium body, underripe to mature, compact, wrinkly to wavy, mingled, narrow to normal width, and 40 percent injury tolerance.
C3V	Good Greenish Bright-crop. Thin, underripe, firm to open, even to smooth, comparable, clear finish, normal to spready width, over 16 inches long, and 20 percent injury tolerance.
C4V	Fair Greenish Bright-crop. Medium to thin body, underripe, firm, even, blended, moderate finish, normal width, and 30 percent injury tolerance.
C5V	Low Greenish Bright-crop. Medium to thin body, underripe, compact to firm, wavy to crepy, mingled, dull finish, narrow to normal width, and 40 percent injury tolerance.
C4G	Fair Green Bright-crop. Medium to thin body, immature, compact, wavy to crepy, blended, dull finish, normal width, and 30 percent injury tolerance.
C5G	Low Green Bright-crop. Medium body, immature, compact, wrinkly to wavy, mingled, dingy finish, narrow to normal width, and 40 percent injury tolerance.

§ 29.3404 Dull-crop or Heavy-crop (B group).

This group consists of leaves usually grown above the midpoint on the stalk. Cured leaves from the upper stalk tend to fold face in and expose the stem or midrib. Upper stalk tobacco is of relatively heavy body compared with the average body of the type. Upper stalk leaves are narrow in relation to their length and have a pointed tip. Dull-crop or Heavy-crop also may be described as second-bright, dull, or semicrop.

U.S. Grade	Grade Names and Specifications
B1F	Choice Cherry Dull-crop. Medium to thin body, ripe, open, smooth, uniform, bright finish, deep color intensity, spready, over 20 inches long, and 5 percent injury tolerance.
B2F	Fine Cherry Dull-crop. Medium to thin body, ripe, open, even to smooth, similar, clear finish, strong color intensity, normal to spready width, over 18 inches long, and 10 percent injury tolerance.
B3F	Good Cherry Dull-crop. Medium body, mature to ripe, firm to open, even comparable, moderate finish and color intensity, normal width, 75 percent over 16 inches long, and 20 percent injury tolerance.
B4F	Fair Cherry Dull-crop. Fleshy to medium body, mature, firm, crepy, blended, dull finish, weak color intensity, narrow to normal width, 75 percent over 16 inches long, and 30 percent injury tolerance.

U.S. Grade	Grade Names and Specifications	U.S. Grade	Grade Names and Specifications	U.S. Grade	Grade Names and Specifications
B5F	Low Cherry Dull-crop. Fleshy to medium body, mature, compact to firm, wavy, mingled, dingy finish, pale color intensity, stringy to narrow, 75 percent over 16 inches long, and 40 percent injury tolerance.	B5V	Low Greenish Dull-crop. Fleshy to medium body, underripe, compact, wrinkly to wavy, mingled, dingy finish, stringy to narrow, 75 percent over 16 inches long, and 40 percent injury tolerance.	T5D	Low Brown Tips. Heavy to medium body, underripe, compact, rough to wrinkly, mingled, dingy finish, pale color intensity, stringy to narrow, 25 percent or more 16 inches or under, and 40 percent injury tolerance.
B1R	Choice Mahogany Dull-crop. Medium body, ripe, open, smooth, uniform, bright finish, deep color intensity, spready, over 20 inches long, and 5 percent injury tolerance.	B3G	Good Green Dull-crop. Fleshy to medium body, immature, compact, wavy to crepy, comparable, moderate finish, normal width, 75 percent over 16 inches long, and 20 percent injury tolerance.	T4K	Fair Variegated Tips. Heavy to fleshy, underripe to mature, hard, wrinkly to wavy, blended, narrow to normal width, 25 percent or more 16 inches or under, and 30 percent injury tolerance.
B2R	Fine Mahogany Dull-crop. Medium body, ripe, open, even to smooth, similar, clear finish, strong color intensity, normal to spready width, over 18 inches long, and 10 percent injury tolerance.	B4G	Fair Green Dull-crop. Heavy to fleshy, immature, hard, wrinkly to wavy, blended, dull finish, narrow to normal width, 75 percent over 16 inches long, and 30 percent injury tolerance.	T5K	Low Variegated Tips. Heavy, underripe to mature, hard, rough to wrinkly, mingled, stringy to narrow, 25 percent or more 16 inches or under, and 40 percent injury tolerance.
B3R	Good Mahogany Dull-crop. Fleshy to medium body, mature, firm, even, comparable, moderate finish and color intensity, normal width, 75 percent over 16 inches long, and 20 percent injury tolerance.	B5G	Low Green Dull-crop. Heavy, immature, hard, rough to wrinkly, mingled, dingy finish, stringy to narrow, 75 percent over 16 inches long, and 40 percent injury tolerance.	T4V	Fair Greenish Tips. Fleshy to medium body, underripe, compact to firm, wavy to crepy, blended, dull finish, narrow to normal width, 25 percent or more 16 inches or under, and 30 percent injury tolerance.
B4R	Fair Mahogany Dull-crop. Fleshy, mature, firm, wavy to crepy, blended, dull finish, weak color intensity, narrow to normal width, 75 percent over 16 inches long and 30 percent injury tolerance.	§ 29.3405 Tips (T group). This group consists of leaves usually grown at the top of the stalk. These relatively narrow and sharp-pointed leaves have the general characteristics of Dull-crop or upper stalk tobacco. A slightly lower degree of maturity and leaf structure is usually associated with the normal state of underdevelopment in Tips. Slightly heavier body results from a combination of substance and lower porosity.		T5V	Low Greenish Tips. Fleshy to medium body, underripe, compact, wrinkly to wavy, mingled, dingy finish, stringy to narrow, 25 percent or more 16 inches or under, and 40 percent injury tolerance.
B5R	Low Mahogany Dull-crop. Heavy to fleshy, underripe to mature, compact, wrinkly to wavy, mingled, dingy finish, pale color intensity, stringy to narrow, 75 percent over 16 inches long, and 40 percent injury tolerance.	U.S. Grade	Grade Names and Specifications	T4G	Fair Green Tips. Heavy to fleshy, immature, hard, wrinkly to wavy, blended, dull finish, narrow to normal width, 25 percent or more 16 inches or under, and 30 percent injury tolerance.
B3D	Good Brown Dull-crop. Fleshy to medium body, mature, firm, wavy to crepy, comparable, dull finish, moderate color intensity, normal width, 75 percent over 16 inches long, and 20 percent injury tolerance.	T3F	Good Cherry Tips. Medium body, mature to ripe, firm to open, even, comparable, moderate finish and color intensity, normal width, 25 percent or more 16 inches or under, and 20 percent injury tolerance.	T5G	Low Green Tips. Heavy, immature, hard, rough to wrinkly, mingled, dingy finish, stringy to narrow, 25 percent or more 16 inches or under, and 40 percent injury tolerance.
B4D	Fair Brown Dull-crop. Heavy to medium body, mature, compact, wrinkly to wavy, blended, dingy finish, weak color intensity, narrow to normal width, 75 percent over 16 inches long, and 30 percent injury tolerance.	T4F	Fair Cherry Tips. Fleshy to medium body, mature, firm, crepy, blended, dull finish, weak color intensity, narrow to normal width, 25 percent or more 16 inches or under, and 30 percent injury tolerance.	§ 29.3406 Nondescript (N group). Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group.	
B5D	Low Brown Dull-crop. Heavy to medium body, underripe, compact, rough to wrinkly, mingled, dingy finish, pale color intensity, stringy to narrow, 75 percent over 16 inches long, and 40 percent injury tolerance.	T5F	Low Cherry Tips. Fleshy to medium body, mature, compact to firm, wavy, mingled, dingy finish, pale color intensity, stringy to narrow, 25 percent or more 16 inches or under, and 40 percent injury tolerance.	U.S. Grade	Grade Names and Specifications
B3K	Good Variegated Dull-crop. Fleshy to medium body, underripe to mature, compact, wavy to crepy, comparable, normal width, 75 percent over 16 inches long, and 20 percent injury tolerance.	T3R	Good Mahogany Tips. Fleshy to medium body, mature, firm, even, comparable, moderate finish and color intensity, normal width, 25 percent or more 16 inches or under, and 20 percent injury tolerance.	N1L	Best Thin-bodied Nondescript. Below 5th quality of P, X, and C groups; 60 percent injury tolerance.
E4K	Fair Variegated Dull-crop. Heavy to fleshy, underripe to mature, hard, wrinkly to wavy, blended, narrow to normal width, 75 percent over 16 inches long, and 30 percent injury tolerance.	T4R	Fair Mahogany Tips. Fleshy, mature, firm, wavy to crepy, blended, dull finish, weak color intensity, narrow to normal width, 25 percent or more 16 inches or under, and 30 percent injury tolerance.	N1F	Best Medium-bodied Nondescript. Below 5th quality of C, B, and T groups; 60 percent injury tolerance.
B5K	Low Variegated Dull-crop. Heavy, underripe to mature, hard, rough to wrinkly, mingled, stringy to narrow, 75 percent over 16 inches long, and 40 percent injury tolerance.	T5R	Low Mahogany Tips. Heavy to fleshy, underripe to mature, compact, wrinkly to wavy, mingled, dingy finish, pale color intensity, stringy to narrow, 25 percent or more 16 inches or under, and 40 percent injury tolerance.	N1R	Best Heavy-bodied Nondescript. Below 5th quality of B and T groups; 60 percent injury tolerance.
B3V	Good Greenish Dull-crop. Medium to thin body, underripe, firm, even, comparable, moderate finish, normal width, 75 percent over 16 inches long, and 20 percent injury tolerance.	T4D	Fair Brown Tips. Heavy to medium body, mature, compact, wrinkly to wavy, blended, dingy finish, weak color intensity, narrow to normal width, 25 percent or more 16 inches or under, and 30 percent injury tolerance.	N1G	Best Crude Green Nondescript. Tolerance, 60 percent crude leaves or injury.
B4V	Fair Greenish Dull-crop. Fleshy to medium body, underripe, compact to firm, wavy to crepy, blended, dull finish, narrow to normal width, 75 percent over 16 inches long, and 30 percent injury tolerance.			N2	Substandard Nondescript. Nondescript of any group, quality, or color; tolerance, over 60 percent crude leaves or injury.
				§ 29.3407 Scrap (S group). A by-product of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.	
				U.S. Grade	Grade Names and Specifications
				S	Scrap. Loose, tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

Done at Washington, D.C., this 27th day of February 1959.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.
[F.R. Doc. 59-1872; Filed, Mar. 3, 1959;
8:51 a.m.]

[7 CFR Part 965]

[Docket No. AO-166-A23]

**MILK IN THE CINCINNATI, OHIO,
MARKETING AREA**

**Notice of Recommended Decision and
Opportunity To File Written Exceptions
With Respect to Proposed
Amendments to Tentative Market-
ing Agreement and to Order**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Cincinnati, Ohio, marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Cincinnati, Ohio, on September 23-26, 1958, pursuant to notice thereof which was issued August 27, 1958 (23 F.R. 6755), and a supplemental notice issued September 11, 1958 (23 F.R. 7144).

The material issues on the record of hearing relate to:

1. Expansion of the marketing area;
2. Allocation of packaged milk from plants regulated by another Federal order;
3. The location adjustments to handlers and producers;
4. The Class I price and the supply-demand adjuster;
5. The classification of skim milk disposed of to food processors and clarification of Class I and Class II milk definitions; and
6. The marketing service assessment.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Cincinnati marketing area (Cincinnati and Hamilton county, Ohio)

should be enlarged by adding Butler, Warren and Clermont counties, Ohio.

The Cincinnati Milk Sales Association, a federation of the Cincinnati producers' bargaining associations, proposed that the marketing area be expanded to include the Ohio counties of Butler, Clermont, Clinton, Highland and Warren; Perry township in Brown county, Ohio; and the Kentucky counties of Kenton, Campbell and Boone. Certain Cincinnati handlers, who operate unregulated plants located in the proposed area, opposed the addition of the proposed additional territory to the marketing area unless further territory was added. Other handlers took no position on this matter at the hearing. One handler proposal would include the additional territory of Brown county; the townships of Lawrenceburg and Center in Dearborn county, Ohio; and all of Ohio county in Indiana. One handler also proposed that if the marketing area were expanded to Kentucky, the counties of Bracken, Fleming, Grant, Harrison, Mason, Nicholas and Pendleton in Kentucky also be included together with certain other Kentucky counties which were submitted for but not included in the notice of hearing. Other presently unregulated distributors who dispose of milk in Highland and Clinton counties, Ohio, proposed that Brown county and Adams county be included in the marketing area, if the area were to be expanded to include Highland and Clinton counties. Handlers regulated under the Dayton-Springfield order opposed the inclusion in the Cincinnati marketing area of the northern tier of townships in Butler, Warren and Clinton counties, Ohio.

The marketing area has not been changed since the present order was promulgated in 1942. Since that time there has been substantial growth in the urban area surrounding Cincinnati. The sales area of Cincinnati handlers has expanded beyond Hamilton county and now encompasses all or a substantial part of the contiguous territory in Ohio recommended for inclusion in the marketing area. A somewhat similar expansion in urban area has been experienced also across the river from Cincinnati in Campbell, Kenton and Boone counties, Kentucky.

From 1940 to 1958, the population of Butler county has increased from 120,000 to 180,000. This area includes the cities of Hamilton and Middletown, which together with Cincinnati on the south and Dayton, Ohio on the north, form an almost continuous urban area from Cincinnati to Dayton. The population of Warren and Clermont counties increased from 30,000 to 56,000 and 34,000 to 70,000, respectively, from 1940 to 1958. This population increase reflects the industrial growth of Cincinnati and the nearby cities and towns and the continuing general dispersion of the increased population, particularly from Cincinnati to the suburban areas.

With the expansion of the urban area, handlers have extended their distribution areas for fluid milk in Ohio beyond the present marketing area. They now compete with unregulated processors of

milk on wholesale and retail routes in the surrounding territory, particularly in Butler, Warren and Clermont counties.

Seven handlers distribute fluid milk throughout Clermont county from their plants located in Cincinnati. They supply approximately 70 percent of the total fluid milk sales in the county. One Cincinnati handler operates wholesale and retail routes throughout Butler county. Another handler, whose pool plant is located at Hamilton in Butler county, distributes fluid milk on wholesale and retail routes extending southward into the present marketing area, eastward into Warren county and north and westward in Butler county. Milk from seven unregulated plants is disposed of in Butler county. All but one of these plants are located in the county. Two unregulated distributors dispose of milk in Clermont county. The plant of one of these is located at Bethel in the eastern part of the county and the other is located in Georgetown, Brown county, Ohio.

Cincinnati handlers and the unregulated distributors serving Butler, Warren and Clermont counties compete with each other in the procurement of fluid milk from dairy farmers. Regulated handlers must account for all milk disposed of in fluid form at the minimum order Class I price while competing unregulated distributors obtain their milk supply at or near the order uniform (blend) price. During the 12 months immediately preceding the hearing, the uniform price averaged 48 cents per hundredweight less than the Class I price. Handlers regulated under the Cincinnati order are at a competitive disadvantage, therefore, in the cost of milk for distribution in this area. The purchase of milk on the basis of the Cincinnati blend prices provides an advantage to unregulated distributors in supplying the increasing fluid milk sales in these nearby areas. The competitive disadvantage in the cost of milk to handlers limits the expansion of wholesale or retail routes from regulated plants into the expanding suburban areas. This, in turn, limits the market Class I outlet for producer milk. The problem has become even more acute because substantial Class I sales which formerly were associated with the regulated market have been lost. Two processing and bottling plants located in Hamilton, Butler county were formerly regulated by the Cincinnati order because of substantial sales in Hamilton county. These plants, operated by companies which also operate regulated plants located in Cincinnati, have been withdrawn from regulation by discontinuing sales from these plants in Hamilton county. These Butler county plants are used to distribute unregulated fluid milk to the suburban Cincinnati area in Ohio surrounding Hamilton county. The opportunity for producers to supply milk for the expanded suburban area has been curtailed by the removal of these plants from the Cincinnati order pool. Procurement of milk from dairy farmers at these plants and other unregulated plants is maintained in close alignment with their fluid milk sales. Through the

operation of multiple plants, certain Cincinnati handlers, therefore, are able to procure a supply of milk for their fluid sales outside the marketing area on the basis of the order uniform prices rather than Class I prices. Accordingly, the operators of these plants, as well as other unregulated plants, have a competitive advantage in the cost of milk for distribution in this part of the Greater Cincinnati area. An indication that Class I sales of producer milk have not kept pace with the expanding market is that the Class I sales of producer milk under the Cincinnati order increased only 49 percent from 1947 to 1957 as compared with an increase of 84 percent under the nearby Dayton-Springfield order and an increase of 75 percent for the Columbus market. From 1952 to 1958 the corresponding percentage increases were 24 for Cincinnati, 45 for Dayton-Springfield and 39 for Columbus.

In addition to the fact that producers of milk under the Cincinnati order do not share in the returns for substantial Class I milk disposed of in these areas adjacent to the marketing area, the limited scope of the regulation makes it possible for multiple plant operators and other nearby unregulated plants to adjust their procurement programs in such a manner that producers under the order will carry the burden of overall reserve supplies and seasonal surpluses without sharing in the benefits of all the fluid sales. This may be accomplished by shifting to unregulated plants producers normally delivering to pool plants when additional supplies are needed or securing such supplies from regulated plants as needed. Between 40 and 50 producers at one plant and an unstated number at another plant hold dual permits to supply milk to Cincinnati and the city of Hamilton.

Handlers regulated under the Dayton-Springfield order distribute fluid milk into northern Butler and Warren counties in competition with milk from Cincinnati order plants and with milk from plants in Hamilton, Butler county which would become subject to regulation with extension of the marketing area. A Dayton handler (subject to the Dayton-Springfield order) distributes milk through a distribution point located in Middletown in northern Butler county. Another company, operating a Dayton plant, also operates an unregulated processing and bottling plant located in Middletown. Milk is distributed from this plant in Wayne, Madison, and Lemon townships in northern Butler county and in the townships of Franklin, Clear Creek, Wayne, Massie, Turtle Creek and Union townships in northern Warren county. Approximately half the fluid milk distributed from this plant is processed and packaged in the company's regulated plant in Dayton and transported to the Middletown plant. The remainder of the milk supply for the Middletown plant is received from local dairy farmers. This and other Dayton handlers opposed the inclusion in the marketing area of the above listed townships on the basis that: (1) They are more closely associated with the Dayton market than with the Cincinnati market;

(2) there is a problem of Class I price alignment; and (3) under the allocation procedure of the Cincinnati order, packaged milk transferred from a Dayton plant to a Middletown plant in the expanded area would be allocated first to the lower priced classes under the current Cincinnati order and thereby would place handlers transferring milk from Dayton at a competitive disadvantage with other Dayton handlers that delivered milk through distribution points.

The need for regulation of the plants located in Hamilton and Middletown was not challenged. In fact, consideration has been given by Dayton handlers to proposing extension of the Dayton-Springfield marketing area to include these townships and thus extend regulation to these plants under the Dayton order. Although these townships are located adjacent to the Dayton-Springfield marketing area, the question of Class I price alignment for plants located between the present Dayton-Springfield and the Cincinnati marketing areas can be resolved more feasibly by including the aforesaid townships in the Cincinnati marketing area rather than in the Dayton marketing area. This can be accomplished by a refinement in the location adjustment provisions of the Cincinnati order, as discussed elsewhere in this decision. The problem of inter-market movements of packaged milk can be accommodated by a change in the allocation provisions.

The extension of the marketing area to include Butler, Warren and Clermont counties is necessary to maintain the effectiveness of the regulation, to promote market stability for dairy farmers who are now producers under the order and to assure consumers a dependable supply of fluid milk. Extension of the area as herein recommended will promote market stability for all producers of milk for this area and assure proper alignment in the cost of milk for all processors who distribute fluid milk therein.

The proposal of a handler to include Ohio county and Lawrenceburg and Center townships in Dearborn county, Indiana in the marketing area was predicated on the basis that Butler county would be included in the marketing area. This Indiana area is primarily rural in character. The principal centers of population, Lawrenceburg and Aurora, were 8,000 and 6,000, respectively, in 1950, and the total population of Ohio county was only 4,500. Nearly all fluid milk distributed on retail routes in this area is furnished from four local, relatively small, unregulated plants. Substantial portions of the milk disposed of on wholesale routes originate at four Cincinnati plants and at two unregulated plants located at Seymour and New Castle, Indiana. In view of the small population and the relatively small percentage of the total fluid milk sales of Cincinnati handlers distributed in this area, the townships of Lawrenceburg and Campbell in Dearborn county and Ohio county, Indiana should not be included in the marketing area.

Clinton, Highland, Brown and Adams counties in Ohio should not be included in the marketing area. These counties

do not contain large centers of population and they have not experienced the growth of population shown for the counties to be included in the marketing area. They are basically rural areas and the major portion of the fluid milk distributed in these counties is from unregulated plants whose principal sales areas are confined to these counties or to counties not considered for inclusion in the marketing area.

In Clinton county approximately 85 percent of the fluid milk distributed is from an unregulated plant in Wilmington, Ohio. Routes from an unregulated plant at Washington Court House, Fayette county also extend into the southeastern part of the county. Some milk is distributed in the northern part of the county by handlers regulated under the Dayton-Springfield order. Only one presently regulated Cincinnati handler distributes milk in this county. The routes of this handler do not extend beyond Blanchester, located a short distance from the western county line. Handlers located in Hamilton and Middletown in Butler county who would be regulated by the proposed order have limited if any fluid sales in Clinton county.

More than half of the fluid milk distribution in Highland county is from an unregulated plant in Hillsboro, Highland county. Milk from this plant is also distributed in Clinton, Brown and Adams counties. Other plants from which milk is distributed in Highland county include the unregulated plant at Washington Court House and a plant at Georgetown, Brown county. Only two Cincinnati handlers have fluid sales in Highland county. They supply less than 4 percent of the total milk distributed in the county. One Cincinnati handler serves only certain supermarkets in the county and the routes of the other are limited to the vicinity of Lynchburg near the Highland-Clinton county border.

The major portion of the milk distributed in Brown county is from unregulated plants located in Wilmington, Clinton county; Hillsboro, Highland county; Georgetown, Brown county; Bethel, Clermont county and in Maysville, Masonville county, Kentucky. Four Cincinnati handlers distribute milk in the county. If the Cincinnati marketing area were extended to include Brown county, however, the problem of dealing with overlapping sales areas of regulated and unregulated handlers would be intensified and would involve the principal distributors of milk in Clinton and Highland counties. Some of these distributors in turn have a substantial portion of their sales outside these counties.

Adams county was proposed to be included in the marketing area only if Boone and Highland counties were to be included. Cincinnati handlers have no fluid milk sales in Adams county. Accordingly, Adams county should not be included in the marketing area.

Eight fluid milk distributing plants are located in Kenton, Campbell and Boone counties, Kentucky, commonly referred to as the Tri-County area. In addition to this area, fluid milk is distributed from these plants into 17 other Kentucky

counties. More than half of the fluid milk from one of the larger plants is distributed outside the three-county area. The milk supply for these plants is procured from approximately 650 Kentucky dairy farmers. The cooperative proposing the expansion of the marketing area to include the Tri-County area represents slightly less than one-third of the 650 dairy farmers supplying the Tri-County area.

Although processors of milk in the Tri-County area pay dairy farmers for milk purchased on the basis of the Cincinnati uniform price, a relatively small proportion of the milk of Cincinnati regulated handlers is sold in competition with such milk. Milk from only one Cincinnati plant is disposed of in the Tri-County area. Disposition is made in Kenton and Boone counties to supermarkets which are operated by the same company as operates the Cincinnati fluid milk plant. The fluid requirements for certain supermarkets in Campbell county, also operated by the same company, are not obtained from the Cincinnati plant but are obtained from an unregulated distributing plant in Newport, Kentucky. At another of the eight plants in the Tri-County area, some milk is bottled for a Cincinnati handler for distribution in this area. No distributor in Kenton, Campbell and Boone counties disposes of fluid milk from his Kentucky plant in the present marketing area or in the additional area in Ohio recommended for inclusion in the marketing area. The volume of milk moving from Cincinnati to the Tri-County area is less than 7 percent of total fluid sales in this area and less than 2 percent of the total milk now under the order. The relatively limited movement of milk back and forth across the Ohio River and between these portions of the Cincinnati Metropolitan area is due in part to the lack of reciprocity in the approval of fluid milk by the respective health authorities. Ice cream mix, equal to about 6 percent of total Class II utilization under the order, is sold from certain Kentucky plants to plants in the present marketing area. No ice cream is sold in the marketing area from the Kentucky plants.

It was not shown that the marketing of milk by plants in the Tri-County area has had a disruptive influence on the orderly marketing of milk in the present marketing area. There was no indication that producers under the present order have lost Class I outlets for their milk to distributors in the Tri-County area or that returns to producers would be changed materially by extending the marketing area to include this area. Although some producers hold dual permits to supply milk to Cincinnati and the Tri-County area, it was not established that producers under the order are carrying reserve supplies for the Kentucky plants. Furthermore, no substantial need was shown for subjecting to regulation the milk of dairy farmers supplying plants in the Tri-County area.

For these reasons, the proposals for inclusion of Kenton, Campbell and Boone counties as well as other nearby Kentucky counties in the Cincinnati marketing area should be denied.

2. Allocation provisions: The allocation provisions of the order should be modified.

The recommended expansion in the marketing area would bring under regulation at least one plant that receives packaged milk on a year-round basis from a plant regulated by the Dayton-Springfield order. This milk is received in containers for distribution to consumers without further processing. The receiving plant presently is not equipped to supply milk in the particular size or type of containers in which the milk is purchased.

Packaged milk transferred from a plant regulated by the Dayton-Springfield order is classified and priced as Class I milk. Such transferred milk would be other source milk at a plant regulated by the Cincinnati order and would be allocated, in series, beginning with the lowest-priced class. To the extent that the Cincinnati plant has utilization in classes other than Class I milk, excluding allowable producer milk shrinkage, the Dayton Class I milk would be allocated to a lower-priced class. This could result in increased cost of milk at a plant receiving such milk in relation to other Cincinnati plants and in relation to Dayton plants from which milk is disposed of directly to consumers in the expanded marketing area.

In view of the historical pattern, the form and the regularity of these transfers of milk, the allocation provisions of the Cincinnati order should be changed to accommodate these transfers of Class I milk. With Class I prices between the two orders in proper alignment and the pricing of this milk at the Class I price under the Dayton-Springfield order, there will be no price incentive for using such milk to undermine the regulation for the Cincinnati market. Provision should be made, therefore, to allocate fluid milk products received at a pool plant in consumer packages to Class I milk if the pool plant does not engage in packaging such products in such containers and if the milk has been classified and priced as Class I milk under the Dayton-Springfield order.

3. Location adjustments: The location adjustment provisions of the order (§§ 965.53 and 965.75) should be modified to provide a series of graduated price levels within the recommended expanded marketing area in accordance with the location of the pool plant with respect to Cincinnati.

The present order provides location differentials on producer milk and location adjustments to handlers on Class I and Class II milk of 15 cents per hundredweight at pool plants located beyond 45 miles but not more than 110 miles from the City Hall in Cincinnati. For each additional 10 miles, the allowance is 1.5 cents per hundredweight. The Class I differentials over the basic formula prices under the Cincinnati and Dayton-Springfield orders are \$1.30 and \$1.20, respectively.

The plants located in Hamilton and Middletown which would be regulated by the proposed extension of the marketing area, dispose of milk on routes in competition with milk from Dayton-Spring-

field order plants. Milk also is moved from a Dayton plant in consumer packages to a plant in Middletown. If no changes were made in the present location adjustment provisions, the full 10-cent difference would exist between the Class I differentials under the respective orders at Dayton plants and at the nearby Hamilton and Middletown plants. The application of the present location adjustment also results in a Cincinnati Class I price differential, f.o.b. Dayton, at 5 cents below the Dayton Class I differential. These differences in price differentials are not justified on the basis of economic considerations. They could cause dislocation in the sources of supply between plants under the two orders after regulation is extended to additional plants.

The historical difference of 10 cents between the differentials under the two orders should not be changed. The principal and normal movement of milk in the Ohio production area serving Cincinnati and Dayton is primarily from north to south. The location adjustments provisions of the Cincinnati order should be modified, therefore, to provide a more reasonable Class I price differential alignment between Cincinnati and Dayton regulated plants. This should be accomplished by providing a location adjustment of 4 cents per hundredweight at pool plants located 20-30 miles from the City Hall in Cincinnati and 2 cents per hundredweight for each additional 10 miles up to 60 miles. Thereafter, the present rate of 1½ cents per hundredweight for each additional 10 miles, which has been found to reflect the cost of hauling milk from distant plants in this market, should be applied. The higher rate of 2 cents for each 10 miles within the 20-60 mile radius reflects higher unit costs for shorter hauls and is a necessary and reasonable basis for graduating prices at Order No. 65 plants located between Dayton and Cincinnati in relation to their location with respect to Cincinnati and to Dayton as well. The Class I differential f.o.b. Dayton will be identical with the differential under the Dayton-Springfield order. The appropriate graduation in prices and the maintenance of the present level of prices at the maximum number of presently regulated distributing plants will be achieved by starting location adjustments at the 20-mile radius.

The rate of location adjustments should be the same at all pool plants similarly situated irrespective of whether such plants qualify as pool plants on the basis of furnishing bulk milk to other pool plants or by route distribution in the marketing area. There are presently three supply plants under the order. At two of the plants, the rate of adjustment would not be changed more than one cent per hundredweight. At the other plant, the rate would be reduced from 15 to 10 cents per hundredweight. The proposed schedule of adjustments will more nearly reflect the value of the milk at these plants in accordance with their location with respect to the Cincinnati market than the present basis.

A proposal was made at the hearing to provide variable location adjustments

to producers on milk received at individual supply plants based on the proportion of such receipts which is classified as Class I milk. The location adjustment would be decreased as the Class I utilization percentage of the plant increased. The stated intent of the proposal is to provide a higher blend price to country plant producers when additional Class I milk is needed in the market and when there is usually strong competition from other markets for the milk supply.

The application of this proposal would conflict with the basic principles underlying marketwide pooling and the adjustment of uniform prices to the location of the plant where the milk is received. The proposal should be denied. The present method of applying the same rate of location adjustments to producer receipts as is applied to Class I and Class II milk at pool plants is economically sound and should be continued. The necessary conforming changes should be made in § 965.75.

4. Class I prices and supply-demand adjustments: A proposal was made to delete the supply-demand provisions of the order or to limit supply-demand adjustments of the Class I price to 20 cents. Testimony on this proposal related primarily to the alignment of prices between the Cincinnati and Dayton-Springfield orders, particularly with respect to plants located in the proposed expanded marketing area. A maximum supply-demand adjustment of 38 cents instead of the proposed 20-cent maximum was supported by proponent on the basis that a 38-cent maximum is provided under the Dayton-Springfield order. A suggestion was also made that either the Class I price be decreased under the Cincinnati order at plants located between Dayton and Cincinnati or the Dayton-Springfield price be increased. Suggestions were made for pricing zones for milk disposed of in the area between Cincinnati and Dayton.

Some aspects of the Class I price alignment problem and appropriate methods for aligning Class I price differentials between the two markets is discussed under Issue No. 3. Official notice is taken also of the recommended decision on proposed amendments to the Dayton-Springfield order which is being issued concurrently with this decision. It provides for adjustment of the Dayton-Springfield Class I prices by averaging the supply-demand adjustments under the Cincinnati and the Dayton-Springfield orders. This will tend to reduce differences in the Class I prices caused by supply-demand adjustments in the two markets and would promote a more uniform relationship between Class I prices from month to month.

The relationship of Class I sales to producer milk receipts as shown by the two-month average ratios applied under the supply-demand adjuster of the Cincinnati order is a reliable measure for appraising the changes in supply-demand conditions in this market. Official notice is taken of class price announcements released by the administrator of Order No. 65 for September 1958 through January 1959 to supple-

ment the summaries contained in the record and afford a comparison of monthly figures for 1958 with previous years. Notwithstanding the fact that there has been some trend toward a more even seasonal production pattern, the ratio of Class I sales to receipts during the fall and winter of 1958 was higher than the ratios for corresponding periods of each year since 1954. In each month of 1958, the ratio was higher than the corresponding month of 1957, 1956, all except three months of 1955 and one month of 1954.

During 1958, the supply-demand adjuster increased the Class I price an average of 19 cents. During the months of September 1958 through February 1959, the season when production is normally lowest in relation to sales, the maximum adjustment was 33 cents. During the period March through August when the market has seasonal reserves, the maximum adjustment was 21 cents.

During the fall and winter months of 1957-1958 the market had a reserve supply of producer milk approximately 33 percent above Class I requirements and an average reserve for the year of approximately 50 percent. Grade A milk is required for most Class II uses in this market. During the short production months, September-February of 1957-1958, the gross Class II utilization of handlers was equal to about 28 percent of total receipts from producers. Producer milk classified as Class III milk average slightly less than 6 percent of total receipts of producer milk.

The recommended extension of the marketing area raises the question, as to the appropriateness of the standard utilization percentages applied under the present supply-demand adjuster. As was previously indicated, the receipts of milk from dairy farmers at some plants which would become subject to regulation might be somewhat lower in relation to their Class I sales than the marketwide average for presently regulated plants. The extent to which the annual level of the relationship between receipts and sales would be changed cannot be ascertained on the basis of the record; however, because of the substantially greater volume of milk now under regulation, the additional receipts and sales would have only minor effects. The seasonal pattern of receipts and sales should be substantially the same because of the common production and sales areas.

For the above stated reasons, neither the Class I price differential nor the level of the standard utilization percentages of the supply-demand adjuster should be changed so as to reduce Class I prices at this time. To do so, would reduce uniform prices to producers at the same time that producer milk receipts in relation to Class I sales are declining. If this trend is reversed, either by a decrease in Class I sales or an increase in producer milk receipts or both, the supply-demand adjuster would automatically reduce the price. Similarly, if the trend toward shorter supplies in relation to Class I sales continues, Class I prices would be automatically increased.

Class I prices are announced under the present order on or before the 5th day

following the end of the month to which they apply. Class I prices under the Dayton-Springfield and several other Ohio orders are announced near the beginning of the current month. This is accomplished by using the basic formula price for the preceding month rather than for the current month. Although over a period of time, there will be little or no difference in costs of milk to handlers or returns to producers, the difference in method of determining prices under the Dayton-Springfield and Cincinnati orders has resulted in monthly differences in price movements between the two markets. An earlier announcement of Class I prices is desirable in order that producers and handlers will know with certainty the price which is to be paid for the major portion of their milk in advance of its sale. The present supply-demand provisions can be applied to advance pricing without change. The use of the basic formula price for the previous month and the announcement of Class I prices at the beginning of the month should be adopted in Order No. 65.

5. Classification of skim milk disposed of to food processors and clarification of class definitions: A proposal was made to classify in Class III milk on a year-round basis skim milk transferred to food manufacturers for use in processing margarine. At the present time, skim milk and butterfat transferred to commercial food processing establishments in the form of skim milk, milk or cream during the months of September through February are classified as Class I milk. In other months such transfers are classified as Class III milk. Milk used for Class I (fluid milk) and most Class II products (principally ice cream and cottage cheese) is required to come from Grade A sources.

Class II and Class III prices for skim milk are identical during the months of September through February. The effect of this proposal, therefore, would be to price skim milk used in processing margarine at the Class II level of prices during the months of September through February. During this 6-month period of 1957-1958, the Class II skim milk price was 82 cents per hundredweight and the Class I skim milk price \$1.88 per hundredweight. Proponent of this proposal stated that the account of one margarine manufacturer had been lost to outside sources of skim milk and losses were incurred on sales that were being made at the present time to other manufacturers. Under the health regulations, ungraded milk may be used for the manufacture of margarine, soups, bread and other similar food products.

The proponent of the change in classification processes fluid milk for route distribution, manufactures ice cream, ice cream mix, butter and supplies other plants with cream for ice cream production. The skim milk transferred to food processors is a residual supply from these operations. The proponent has facilities to manufacture dried skim milk but these facilities were not in operation at the time of the hearing. Dried skim milk from outside sources was being used by proponent to supplement producer milk in the production of ice cream. Under

such conditions, the alternative outlet for such skim milk would be in Class II milk uses.

The pricing of Class II and Class III milk at the same level during the fall and winter months is to encourage the allocation of milk among plants according to their needs for Grade A milk in Class I and Class II uses and to discourage the development of year-round supplies for Class III uses under the marketwide pool. It would be unreasonable, therefore, to price milk transferred to food processors at less than the Class II price. In view of the fact that Class III and Class II prices are identical during the fall and winter months, it is concluded that skim milk, milk or cream disposed of to food processing establishments where food products are prepared only for consumption off the premises should be Class III milk throughout the year.

The definition of Class II milk should be revised by including language which would distinguish more clearly between milk used for malted milk and milk shake mixes and milk used for ice cream and ice cream mix. Under the order, skim milk and butterfat used to produce ice cream and ice cream mix are classified as Class II milk. Skim milk and butterfat used in malted milks, milk shakes, or mixes for such milk drinks are Class I milk. In some cases, the formula for such products may be similar to that of certain ice cream mixes.

At the present time, the classification of such mixtures is determined on the basis of whether or not the product is actually frozen when sold or served to the ultimate consumer. This determination is administratively burdensome because the product must be traced to the final consumer. Classification would be facilitated by reliance upon either the use made of the milk in a plant or the form in which the milk is disposed of from the plant.

A proposal was made to classify the milk used for such products as Class II milk if the mixture produced at the plant contained more than 10 percent added sugar and more than 25 percent solids not fat, including the sugar. The milk used in products containing less than 10 percent added sugar and 25 percent solids not fat would be Class I milk. At certain plants mixtures of skim milk and butterfat are produced which contain 12 percent skim solids, 14 percent butterfat and no sugar. Since this mixture would contain less than 10 percent sugar, the adoption of the proposed language would classify the milk used in such mixtures as Class I milk even though the mixture may be used in ice cream mix. Certain handlers favored improvement in the order language by some reference to the solids content of the product and suggested that mixtures containing 15 percent or more total milk solids should be Class II milk and mixtures containing less than 15 percent or more solids should be Class I milk. A basis of classification dependent exclusively on solids content could result in the classification of skim milk and butterfat used in certain fluid milk products as Class II milk and certain products now in Class II milk, such as mixes for sherbets, as Class I milk.

This was not the intent of the proposal and was not contemplated by participating parties to the proceeding. It is concluded therefore, that the Class II definition should be revised by specifically excluding "malted milk and milk shake mixtures containing less than 15 percent total solids". Since ice cream or frozen custard mixes which are in Class II milk normally contain more than 15 percent total milk solids, this language will more clearly distinguish between ice cream mixes and malted milk or milk shake mixtures. A conforming change should be made in the definition of fluid milk products. This, in turn, will provide a reasonable basis for designating skim milk and butterfat used in such mixtures containing less than 15 percent total milk solids as a fluid milk product and as Class I milk along with other flavored milk drinks.

6. Marketing service assessments: A proposal was made to increase the marketing service assessment rate from 6 to 7 cents per hundredweight on milk of producers who are not members of a qualified cooperative association for checking weights and tests of their milk and furnishing them market information.

The number of nonmember-producers for whom services are performed by the market administrator has decreased from 750 in 1953 to 230 producers in 1958. The volume of milk shipped by such producers has declined from about 5 to 2.5 million pounds per month. The minimum assessment rate under the order was increased from 4 to 6 cents in 1953. With the decrease in the volume of milk and rising costs of labor and supplies, the costs of services performed for producers has exceeded current income and some reserves which had been accumulated in the fund are almost depleted.

No maximum rates are established for marketing service assessments by the Act and the extent to which such services are to be performed is not defined. The maximum rates which have been established in other orders in the midwestern States range from 2 to 6 cents per hundredweight. Differences in these rates are related to the number of nonmember-producers, the volume of milk delivered by them, the scatter and location of milk plants and the extent of the services which are performed.

A decline in the number of nonmember-producers comparable to that in the Cincinnati market has been experienced in most midwestern markets. The problem of increasing unit costs associated with the downward trend in volume of milk, therefore, is not limited to the Cincinnati market.

The extent to which the rate of deduction should be increased to offset rising costs or the efficacy of curtailing the services rendered cannot be discerned on the basis of this record. Moreover, the administration of such services is subject to some degree of discretion. Accordingly, the present 6-cent rate under the order, which has become thus far the ceiling for marketing service deductions under similar circumstances in the

other midwestern markets, should not be changed at this time.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Cincinnati, Ohio, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 965.3 and substitute therefor the following:

§ 965.3 Cincinnati, Ohio, marketing area.

"Cincinnati, Ohio, marketing area," hereinafter called the marketing area, means all the territory within the boundaries of the city of Cincinnati and the

counties of Butler, Clermont, Hamilton and Warren, all in the State of Ohio.

2. Delete § 965.15 and substitute therefor the following:

§ 965.15 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, flavored milk, milk drink, cream (sweet, cultured, sour or whipped), egg nog, concentrated milk; and any mixture of milk, skim milk or cream (including fluid, frozen or semi-frozen malted milk and milk shake mixtures containing less than 15 percent total milk solids; and excluding frozen storage cream, aerated cream in dispensers, ice cream and frozen dessert mixes, and evaporated and condensed milk).

§ 965.41 [Amendment]

3. Delete § 965.41(b) and substitute therefor the following:

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce ice cream, frozen desserts, ice cream and frozen dessert mixes (excluding malted milk or milk shake mixtures containing less than 15 percent total milk solids), milk or skim milk and cream mixtures disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, and cottage cheese; and

(2) Inventories of fluid milk products; and

4. In § 965.41(c) (3), delete "during the months of March through August, inclusive,"

§ 965.46 [Amendment]

5. Delete § 965.46(a) (3) and substitute therefor the following:

(3) Subtract from the remaining pounds of skim milk: (i) In Class I milk, the pounds of skim milk received in the form of fluid milk products in consumer packages not larger than one gallon from a plant fully regulated pursuant to Part 971 of this chapter: *Provided*, That this subdivision shall not apply to skim milk in any product if the same product is processed and packaged in the same size and type of container in the pool plant; and (ii) in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk received in the form of a fluid milk product, excluding the pounds subtracted pursuant to subdivision (i) of this subparagraph, which is subject to the Class I pricing provisions of an order issued pursuant to the Act;"

§ 965.51 [Amendment]

6. In § 965.51(a) immediately following "basic formula price" insert "for the preceding month".

§ 965.52 [Amendment]

7. At the end of § 965.52(a), delete the semicolon (;) and add: "for the preceding month;"

8. Delete § 965.53 and substitute therefor the following:

§ 965.53 Location differentials to handlers.

For that skim milk and butterfat in producer milk received at a pool plant located more than 20 miles by the shortest highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, and which is (a) moved in the form of a fluid milk product or as condensed skim milk or frozen cream to a pool plant located not more than 20 miles from the City Hall in Cincinnati, Ohio, or (b) otherwise disposed of or utilized as Class I or Class II milk at such plant the handler's obligation pursuant to § 965.60, subject to the proviso of this section, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such skim milk and butterfat is received from producers as follows:

Distance from the City Hall (miles):	Rate per hundredweight (cents)
More than 20 but less than 30.....	4.0
30 but less than 40.....	6.0
40 but less than 50.....	8.0
50 but less than 60.....	10.0
For each additional 10 miles or fraction thereof an additional.....	1.5

Provided, That in the case of transfers made under paragraph (a) of this section, the location differential credit (1) shall apply to the actual weight of the skim milk and butterfat moved, which weight shall not exceed the difference calculated by subtracting from the total pounds of skim milk and butterfat in Class I milk and Class II milk at the transferee's plant the total skim milk and butterfat in producer milk physically received at such plant, and (2) shall be allowed to the transferee-handler if such credit does not exceed the obligation of such handler to the producer-settlement fund for the month.

9. Delete § 965.75 and substitute therefor the following:

§ 965.75 Location differentials to producers.

In computing the payment due each producer pursuant to § 965.73, the uniform price for producer milk at a pool plant located more than 20 miles by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the City Hall (miles):	Rate per hundredweight (cents)
More than 20 but less than 30.....	4.0
30 but less than 40.....	6.0
40 but less than 50.....	8.0
50 but less than 60.....	10.0
Each additional 10 miles or fraction thereof an additional.....	1.5

Issued at Washington, D.C., this 27th day of February 1959.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-1873; Filed, Mar. 3, 1959; 8:51 a.m.]

[7 CFR Part 971]

[Docket Nos. AO-166-A23; AO-175-A15]

MILK IN THE DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Cincinnati, Ohio, on September 23-26, 1958, pursuant to notice and supplemental notice thereof issued August 27, 1958 (23 F.R. 6755) and September 11, 1958 (23 F.R. 7144).

The material issue on the record of the hearing relates to:

The alignment of the Class I prices under the Dayton-Springfield and Cincinnati orders.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof.

"The supply-demand provisions should be changed to provide closer alignment of Class I prices under the Dayton-Springfield and Cincinnati orders and to promote an adequate supply of milk for the Dayton-Springfield market.

Competition is extensive in the distribution of fluid milk between handlers regulated under the Dayton-Springfield and Cincinnati orders and especially between Dayton handlers and operators of fluid milk plants located in Hamilton and Middletown, Ohio who would be subject to regulation under the Cincinnati order with the expansion of the Cincinnati marketing area as recommended in the decision issued concurrently with this decision. Official notice is hereby taken of that decision. Milk is disposed of on routes in the proposed expanded marketing area from these plants and from other plants of Cincinnati regulated handlers in competition

with milk from Dayton-Springfield order plants. Milk also is moved from a Dayton plant in consumer packages to one of the plants in Middletown.

Competition in the procurement of milk is also extensive between handlers under the Dayton-Springfield order and handlers who are now and who would be regulated under the proposed amended Cincinnati order. Although production per farm has increased substantially, the markets now draw milk from farms located at greater distances from the respective marketing areas. This is true also with respect to all other Ohio markets, including Cleveland, North Central Ohio and Columbus and certain Indiana markets, all of which obtain milk from the same supply area as the Dayton-Springfield and Cincinnati markets. However, the competition for milk is most marked between the Cincinnati and Dayton-Springfield markets.

Of the 3,700 producers supplying the Cincinnati market approximately 2,500 are located in Ohio and Indiana. The farms of a substantial number of these producers are located in the same communities and many of them on the same road as the farms of the 2,100 producers who supply the Dayton-Springfield market. It is of increasing importance, therefore, from the viewpoint of the cost of Class I milk to handlers under the two orders and the procurement of milk from producers, that the level and monthly changes in prices in the two markets be closely aligned.

Official notice is taken of the monthly "Statistical Summary" for September 1958 through January 1959 and the "Annual Summary" for 1958, released by the market administrator of Order No. 71 (Dayton-Springfield) and of the "Class Price Announcements" for September 1958 through January 1959, released by the market administrator of Order No. 65 (Cincinnati). These releases supplement information contained in the record with respect to receipts, utilization and prices for milk in the two markets and afford comparisons of monthly data for the full year of 1958 with the data for prior years.

Class I prices are established under the Dayton-Springfield order by adding \$1.20 to the basic formula price of the preceding month and the resulting prices are adjusted by a supply-demand factor. The net effect of the supply-demand adjustments has been a reduction in the Class I price for each year since 1953. During the most recent three years the average reduction per hundredweight was 1.75 cents in 1956, slightly less than 1-cent in 1957 and 2.5 cents in 1958.

Under the Cincinnati order the Class I price is established by adding \$1.30 to the basic formula price for the current month and the resulting price is adjusted by a supply-demand factor. These supply-demand adjustments under the Cincinnati order increased Class I prices an average of 20 cents in 1956, 12 cents in 1957 and 19 cents in 1958.

The Cincinnati decision sets forth the need for and the most feasible method of promoting closer alignment of Class I prices between the Cincinnati and Dayton-Springfield markets, particularly at

plants in the recommended expanded marketing area. It is concluded in that decision that the historical difference of 10 cents between the stated Class I differential under the two orders should not be changed and that location adjustments under the Cincinnati order should be modified so as to result in a Class I differential under the Cincinnati order f.o.b. a pool plant located in Dayton identical with the differential under the Dayton-Springfield order. It is also recommended that the basic formula price for the preceding month be applied in establishing the Class I price for the current month under the Cincinnati order in the same manner as under the present Dayton-Springfield order. These changes in the Cincinnati order remove two causes for monthly differences in the relative levels and the movement of Class I prices in the two markets.

However, because of differences in the respective supply-demand adjustments, Class I prices under the Cincinnati order have exceeded the Dayton-Springfield Class I prices substantially more than the 10-cent difference in the Class I differentials. The difference in Class I prices was 31 cents in 1956, 21 cents in 1957 and 30 cents in 1958. The substantial differences in Class I prices which have resulted from the supply-demand adjustments in the individual orders in the past could cause serious dislocation in the sources of supply between plants under the two orders and particularly so following the expansion of the Cincinnati marketing area. In the Cincinnati decision, it was shown that the present Class I differential and the standard utilization percentage under the present supply-demand adjuster should be continued without change. The additions to the Class I price by the supply-demand adjuster are reasonable and necessary because producer milk receipts are showing a downward trend in relation to Class I sales.

A similar condition has been developing in the Dayton-Springfield market but the supply-demand provisions have failed to provide the necessary price adjustments. The producers' association in the Dayton-Springfield market supplies the full requirements of handlers in accordance with their needs for Grade A milk. The cooperative association arranges for the transfer of milk in excess of an individual plant's requirements to other handlers who are temporarily in need of additional supplies. The remaining supplies are received at its own plant and a revolving inventory of milk is maintained to meet temporary shortages of handlers which may be experienced on a day-to-day basis. Any reserve supplies not needed by the fluid milk plants are processed into manufactured products in the association's plant. The supply of producer milk, therefore, is allocated among plants in an extremely efficient manner.

The cooperative association found it necessary to import some milk from outside sources to meet the needs of the market during 1957. For the full year of 1957 Class I sales were equal to 75.1 percent of total producer receipts as compared with 75.8 percent in 1956. For the full year of 1958 Class I sales in-

creased to 77.8 percent of producer milk receipts. In view of the fact producer receipts were showing a decline in 1958 as compared with a year ago, producers stated at the hearing that substantial quantities of other source milk would have to be imported to meet market requirements during the fall and winter of 1958-1959.

The supply-demand adjuster resulted in minus adjustments during the last three months of 1957 and the first three months of 1958. There were no other adjustments during 1958. As a result of the receipts and sales relationships during November and December a plus 10-cent adjustment will be effective for February 1959. It is clear that this market does not now have an adequate supply of milk during the short season of the year and moreover, the situation has become worse for the last three years. The total Class I mechanism, including the supply-demand adjuster, therefore, has failed to result in prices which would promote an adequate supply of milk for the market.

Although price changes resulting from supply-demand adjusters are intended to adjust the supply-sales relationship in accordance with the individual market's need for Grade A milk, it is important in this instance also to give weight to the need for co-ordinating price changes in the two markets. Adjustment of the Dayton-Springfield Class I price by the average of the supply-demand adjustments resulting under the current orders for Cincinnati and Dayton-Springfield would afford a reasonable basis for correcting the level of adjustments under the Dayton-Springfield order and at the same time promote the needed alignment of Class I prices between the two orders. This will (1) retain a degree of flexibility in establishing prices in each of the markets according to supply and demand conditions prevailing for fluid milk in the respective markets, (2) promote stable and orderly marketing conditions, and (3) assure consumers of an adequate supply of pure and wholesome milk in this region where both the procurement and distribution of fluid milk is extensively intermingled.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the

findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Delete that portion of § 971.51(a) that precedes subparagraph (1) thereof and substitute therefor the following:

(a) Add \$1.20 to the basic formula price for the preceding month and add or subtract the simple average (rounded to the nearest cent) of the amount of the supply-demand adjustment for the month pursuant to § 965.51(a) (Order No. 65) (Cincinnati) of this chapter and the amount computed as follows:

Issued at Washington, D.C., this 27th day of February 1959.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-1874; Filed, Mar. 3, 1959; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 12722]

SAFETY AND SPECIAL RADIO SERVICES APPLICATIONS

Extension of Time To File Comments

In the matter of amendment of Subpart F of Part 1 of the Commission's rules so as to add new section governing action on Safety and Special Radio Services applications involving Bell Tele-

phone equipment contracts; Docket No. 12722.

The Commission having before it for consideration its Order in the instant proceeding, released January 23, 1959 (FCC 59-49) setting March 2, 1959, as the date for filing comments in reply to original comments herein, and a request filed by the American Telephone and Telegraph Company on February 26, 1959, for an extension of time to March 12, 1959, for filing such reply comments; and

It appearing, that the request of A.T. & T. is predicated upon the facts that numerous comments have been filed, that a long week-end intervened immediately after the filing date, that such comments are not served upon interested parties, that A.T. & T. has made arrangements to have copies of such comments in the public docket files reproduced to facilitate careful study, and that the combination of the above factors does not give A.T. & T. sufficient time to consider carefully such comments; and

It appearing, that the public interest would be served by extending the time for such reply comments so as to enable A.T. & T. to file considered reply comments in this proceeding;

It is ordered, This 27th day of February 1959, pursuant to section 0.291(b) (4) of the Commission's statement of delegations of authority, that the above-described request of the American Telephone and Telegraph Company is granted, and that the time for filing comments by all parties in reply to original comments in this proceeding is extended from March 2, 1959, to March 12, 1959.

Released: February 27, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1859; Filed, Mar. 3, 1959; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 12638; FCC 59-133]

CERTAIN TELEVISION BROADCAST STATIONS

Table of Assignments

In the matter of § 3.606 *Table of assignments*, Television Broadcast Stations Memphis, Tennessee; Louisville, Kentucky; and Harrisburg, Illinois.

1. On March 21, 1958, the Commission adopted a Report and Order in Docket No. 12011, which in part, assigned Channel 3 to Harrisburg, Illinois, and changed the offset carrier requirement from Channel 3 even to 3 minus at Memphis, Tennessee. This arrangement was chosen because it provided offset carriers between adjacent co-channel stations consistent with the basic allocation principles and in the judgment of the Commission, required the fewest changes in existing channel assignments.

2. WREC Broadcasting Service, licensee of WREC-TV, Channel 3, Memphis, petitioned for reconsideration of this as-

signment of Channel 3 at Harrisburg and the change in offset requirements at Memphis, on the grounds that it would result in added interference and loss of coverage to its Memphis television station and to other co-channel stations at Louisville, Champaign, and Shreveport. The contentions based on comparisons of service and interference were rejected in keeping with § 3.612 of Commission rules and its underlying philosophy that the limitations on interference between television stations necessary to meet the specific television service objectives determined by the Commission to be in the public interest (see the Sixth Report and Order in Docket No. 8736, et al., FCC 52-294, adopted April 11, 1952), are automatically achieved through the rules governing the assignment of stations, particularly those of §§ 3.610 and 3.614 which limit interference by prescribing minimum permissible geographic separations between co-channel and adjacent channel stations and maximum permissible powers and antenna heights.

3. On October 22, 1958, the subject proceedings were instituted pursuant to another petition by WREC Broadcasting Service, in which it suggested an alternative offset arrangement to the one adopted by the Commission in Docket No. 12011. The proposed arrangement would restore Channel 3 at Memphis to its original even status but would require changes at Louisville, Kentucky, and Harrisburg, Illinois, as set forth below:

City	From—	To—
Memphis, Tenn. (WREC-TV)	Channel 3—	Channel 3
Louisville, Ky. (WAVE-TV)	Channel 3—	Channel 3
Harrisburg, Ill. (WSIL-TV)	Channel 3	Channel 3—

The petition averred that the licensees of WAVE-TV, Channel 3, Louisville, and WSIL-TV, Channel 3, Harrisburg, had agreed to the change in offset proposed in those cities.

4. Comments were filed by Hoyt B. Wooten, d/b as WREC Broadcasting Service, Memphis, Tennessee (WREC-TV); Fetzer Broadcasting Company, Kalamazoo, Michigan (WKZO-TV); KTBS, Inc., Shreveport, Louisiana (KTBS-TV); KTVO Television, Inc., Kirksville, Missouri (KTVO); Turner-Farrar Association, Harrisburg, Illinois (WSIL-TV); WAVE, Inc., Louisville, Kentucky (WAVE-TV); and Westinghouse Broadcasting Company, Inc., Cleveland, Ohio (KYW-TV).

5. WREC-TV, WAVE-TV and WSIL-TV all consent to the proposed changes in their outstanding authorizations. KTBS-TV supports the proposal as advanced by WREC-TV. WKZO-TV takes no position with respect to the proposal but stated that it feels that this matter should be left to the Commission's expertise. In support of its request, WREC-TV urges that the proposed changes would result in improvement of television service to substantial areas and would permit a more efficient utilization of television assignments. It submits an engineering showing which includes a comparative mileage separa-

tion table between stations affected by the proposal, a tabulation of the areas gaining and losing service, and a series of maps showing the present and proposed interference-free coverage of the seven stations affected by the proposal. The showing is based upon existing locations, powers and antenna heights, and the propagation and interference curves contained in the Sixth Report and Order. The mileage table referred to above indicates that there is no change in the distances to the nearest co-channel station with a different offset for any of the seven stations involved, and that there is an increase in the distances to the nearest station with the same offset for 4 stations and a decrease in the distances for 3 stations. With respect to areas gained WREC-TV computes that there will be a reduction in areas of interference of 3,600 square miles and an increase in the areas receiving interference of 1,965 square miles or a net gain of 1,635 square miles.

6. KYW-TV points out that the proposed change of Channel 3 at Louisville from Channel 3— to Channel 3 even will mean that a large area presently receiving interference from a single source will receive interference from two sources and that a substantial area, densely populated and dependent upon service from KYW-TV, will receive its first interference from WAVE-TV. This party further states that WREC-TV did not provide data showing the areas which would gain and lose service from the proposed operation and the other services which were available to the populations and areas affected, and that this information is necessary before a determination of the public interest can be made in this case. KYW-TV did not submit any figures for the areas and populations receiving interference but did present engineering maps. In reply to KYW-TV, WREC-TV computed the newly created area of interference to be 270 square miles and the population residing therein as 26,659. It further submitted a map showing that the area involved would receive service in part from two existing stations and one proposed station.

7. KTVO opposes the proposed changes. It urges that it already suffers interference to about 4,650 square miles or 30 percent of the station's predicted Grade B service and that the proposed changes would increase its interference in an area of 1,198 square miles with a population of 37,959. It alleges that this represents a loss of 10.4 percent of its present interference-free service area and 10.9 percent of the population presently served. It further argues that 121 square miles of this area lost and 8,491 persons will lose their only service. Finally, KTVO urges that it serves principally rural areas in Missouri and Iowa without any large cities and therefore encounters difficulty from an economic viewpoint. It contends that the additional interference would result in the creation of severe economic difficulties for the station.

8. The showings by the parties in this proceeding as to gains and losses resulting to populations and areas from the employment of the present or proposed

offsets are made by methods which were not intended for use in making the refined comparisons of coverage here proposed. Moreover, the showings here made are incomplete, lacking full and complete data, on populations gained and lost or the availability of other services to the affected areas. Accordingly in our judgment any comparison of the merits of the two offset plans on such a basis cannot be considered as having such validity as to permit findings to be made thereon. In view of this we are unable to conclude that the proposed offset plan offers any advantage over the existing plan from an overall coverage standpoint or in the extension or protection of coverage in under-served areas. We are therefore of the opinion that the public interest would be best served by adhering to the present assignment plan.

9. In view of the foregoing: *It is ordered*, That the petition filed by WREC Broadcasting Service on October 8, 1958, is denied and this proceeding is terminated.

Adopted: February 18, 1959.

Released: February 27, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1860; Filed, Mar. 3, 1959;
8:49 a.m.]

[47 CFR Part 10]

[Docket No. 12473; FCC 59-161]

PUBLIC SAFETY RADIO SERVICES

Assignment of Certain Frequencies

In the matter of amendment of Part 10 of the Commission's rules to provide for assignments of frequencies in the 151.145-151.475, 159.225-159.465 Mc bands to stations in the Forestry-Conservation Radio Service pursuant to a geographical assignment plan; Docket No. 12473.

1. The Commission on June 4, 1958, issued a Notice of Proposed Rule Making in the above-captioned proceeding which recited the fact that the Forestry Conservation Communications Association had petitioned for amendment of Part 10 of the Commission's rules so as to: "require that all frequencies in the 151.145-151.475 and 159.225-159.465 Mc bands assignable to Forestry-Conservation Radio Services users, be assigned only in accordance with a geographic assignment plan and that 'each initial application for a specific frequency or frequencies shall include a favorable recommendation from the National Frequency Advisory Committee.'" In addition, the above-referred to petitioner submitted a proposed geographic assignment plan for which approval of the Commission was sought. The Notice of Proposed Rule Making also invited comments relative to this proposed plan.

Ample opportunity was afforded interested parties to file original and reply comments, either in support of or opposition to adoption of the above sought rule

amendment. The time for filing such comments has now expired.

2. In this proceeding the Notice of Proposed Rule Making affirmatively stated that the Commission had "not made any determination as to whether amendments of the type proposed by the Forestry Conservation Communications Association would be in the public interest." Moreover, the Commission stated that the Notice of Proposed Rule Making was being issued only "to afford interested parties an opportunity to present their views to the Commission concerning the proposals, including the specific geographic assignment plans attached as an Appendix advanced by the Forestry Conservation Communications Association." The Notice of Proposed Rule Making also stated that the proposal of the Forestry Conservation Communications Association which would require "that 'each initial application for a specific frequency shall include a favorable recommendation from the National Frequency Advisory Committee' raises questions concerning the extent of lawful delegation of the Commission's authority. Accordingly, an amendment to the Commission's Rules so as to provide such a requirement will not be included in any amendments which may be ordered in this proceeding."

3. The Notice of Proposed Rule Making in the above-captioned proceeding engendered comments on behalf of six parties. These parties were the Forestry Conservation Communications Association, the Associated Public Communications Officers, Inc., the Oregon State Board of Forestry, the Nevada Division of Forestry, the Department of Natural Resources of the State of Washington, and the Conservation Department of the State of Wisconsin.

The Forestry Conservation Communications Association supported adoption of the rule amendment, stating:

The necessity for a geographic assignment plan we believe to be apparent on consideration of these factors:

(1) Even random allocation of channels will, after the first few grants have established a pattern to which each subsequent allocation must dovetail, or interference will result. This method must either require a separate study by the Commission's engineers for each allocation, or adherence to a frequency advisory board recommendation, or a complete adoption of a considered plan which would allow rapid progress and full assurance to the individual licensee.

(2) Careful preliminary study and preparation of a plan can afford maximum utilization without interference.

(3) In the Forestry-Conservation Radio Service practically every licensee requires statewide use of each frequency allocated. Also, in many states there are several separate agencies eligible to operate on Forestry Conservation frequencies on a statewide basis. The proposed geographical plans submitted are established on this basis but require recommendation of the Frequency Advisory Committees to ensure equitable requests. Since our Association now represents all eligible agencies each such recommendation will reflect the studied

opinion of the associated members and such should be fair and equitable.

The comments filed by the Conservation Department of the State of Wisconsin, the Department of Natural Resources of the State of Washington, the Nevada Division of Forestry, and the Oregon State Board of Forestry all support adoption of the rule amendment sought by the Forestry Conservation Communications Association and subscribe to the reasons advanced by that organization in support thereof.

The comment of the Associated Public Communications Officers, Inc., however, opposes adoption of "any geographical assignment plan for the Forestry-Conservation frequencies as set forth in Docket 12473." This party advances the following reasons in support of its opposition to the sought rule amendment:

(a) "As a general policy any geographical assignment plan limits the number of available frequencies in any given area and accordingly restricts the number of frequencies available to present and future users. Such a plan would drastically interfere with expansion of existing systems and any future planning for public safety organizations."

(b) "As there is no skip interference on the frequencies in question the only apparent justification for geographical assignment would be to prevent the assignment of similar frequencies to adjacent areas to eliminate possibilities of interference. While this may become a problem in certain areas in the middle or eastern United States, it is not in the western United States. It would appear that with proper frequency coordination by advisory committees and study by the Commission itself, this problem would be eliminated."

(c) "For many years the Forestry-Conservation frequencies were used only by State Forestry for fire protection activities. Only in the last several years has it been expanded into other state activities, primarily fish and game protection and preservation. There is, however, a growing need among county users, primarily, for the establishment of radio systems covering other services eligible in the Forestry-Conservation radio service. Among these are flood control, water conservation, water resources, soil conservation, soil reclamation, and other similar services. In addition, many counties are assuming more and more forestry fire protection responsibilities by establishing county-wide fire departments, therein relieving the states from this responsibility. With the potential number of users increasing daily and with existing state forestry and conservation services increasing their own radio systems, which were totally inadequate prior to the finalization of Docket 11990, any geographical assignment plan to restrict the number of available 150 Mc frequencies appears to

be a waste of radio spectrum and cannot be in the best interest of non-state users."

(d) "The proposed expansion of state owned communications facilities in California alone has already earmarked ten of the proposed eleven 159 Mc frequencies allocated under the proposed geographical assignment. This leaves only one frequency available to non-state agencies against seven should this plan not be adopted."

(e) "It is our belief that the public's interest, convenience and necessity would not be served should this docket be approved, especially since even in the critical metropolitan areas no geographical plan exists for 150 Mc frequencies in other public safety services and no serious interference or degrading of these radio systems exist."

4. The Commission has in several instances promulgated rules which restrict assignment of frequencies that are available to Public Safety Radio Service licensees so as to require that all assignments be pursuant to a geographical assignment plan. For example, rules are presently in effect which so restrict certain frequencies in the 25-50 Mc band available to Police, Highway Maintenance, or Forestry-Conservation Radio Service licensees. However, in each instance a corollary rule is also applicable; namely, that the use of frequencies so restricted are available primarily for assignment only to state licensees. Furthermore, in no instance has the Commission restricted frequencies above 50 Mc available to licensees in the Public Safety Radio Services so as to make them assignable only pursuant to a geographic assignment plan.

5. The primary premise upon which the presently applicable rules, restricting assignment of frequencies allocated to the Public Safety Radio Services to those which are in accord with a geographical assignment plan, are based is that such restriction is necessary in order to provide licensees having a need for communications over a wide area with an opportunity to obtain reasonably interference-free communications. Frequencies in the 25-50 Mc band are better suited for use in those systems which require communications over long distances than are frequencies in the 150.8-162 Mc band and are subject to "skip interference" whereas those in the 150.8-162 Mc band are free from such interference. Consequently, the Commission has always considered that use of geographical plans is much more appropriate when applied to frequencies in the 25-50 Mc band than they would be if applied to frequencies above 150 Mc. It has also been the consistent opinion of the Commission that assignment of frequencies in the 25-50 Mc band pursuant to a geographical assignment plan which is based on a statewide "grid" system, as is that proposed by the Forestry Conser-

vation Communications Association, results in more efficient use of frequencies than if frequencies in the 150-160 Mc band were made assignable pursuant to such a geographical assignment plan.

6. If the rule amendment sought by the Forestry Conservation Communications Association were adopted such action would require departure from the above well-established concepts because: First, the persons who would be eligible for assignment of the affected frequencies are not restricted to those persons having a need for communications over a wide area; and, second, the frequencies involved are all above 150 Mc. Furthermore, in view of the well-known fact that there is an ever increasing need for frequencies devoted to the use of Public Safety agencies, any action which does not appear to enhance but rather appears to detract from the efficient use of those available frequencies, as does the proposed rule amendment sought herein, must be justified by the most compelling of reasons.

7. In view of all factors concerned the Commission is unable to find that either the reasons advanced by those supporting adoption of the rule amendment sought by the Forestry Conservation Communications Association nor any other reasons known to the Commission are sufficient to warrant a finding that the rule changes proposed are in the public interest.

8. Although, as stated above, the Commission is unable to find that effectuation of a rule which would require adherence to the geographical assignment plan proposed by the Forestry Conservation Communications Association is in the public interest, there is no intention to prohibit voluntary adherence to such a plan by applicants seeking assignment of involved frequencies. In addition, the Commission wishes to point out that eleven frequencies in the 42-50 Mc. band were made available to Forestry-Conservation Radio Service licensees by its action in Docket 12169 and that a proposal to limit these frequencies so as to make them assignable primarily to state licensees and in accord with a geographical assignment plan would not be contrary to the well established concepts pointed out in paragraphs 4 and 5, supra.

9. Accordingly, it is ordered, That rule amendments proposed in this proceeding are not adopted; that the petition of the Forestry Conservation Communications Association be and is hereby dismissed; and that this proceeding be terminated.

Adopted: February 25, 1959.

Released: February 27, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1861; Filed, Mar. 3, 1959;
8:49 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ALBEMARLE STOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Albemarle Stock Auction, Elizabeth City, N.C.

Benson Hog and Livestock Market, Benson, N.C.

Benthall's Stockyard, Rich Square, N.C.

Bethune Stockyards, Lillington, N.C.

Boone Livestock Market, Boone, N.C.

Carolina-Virginia Stockyard, Windsor, N.C.

Charlotte Livestock Co., Inc., Charlotte, N.C.

Day Livestock Yard, Asheville, N.C.

Dedmons Livestock Yards, Shelby, N.C.

D. F. Foust Livestock Auction Market, Inc., Greensboro, N.C.

Farmers Cooperative Livestock Market, Lexington, N.C.

Farmers Exchange Livestock Market, Hillsboro, N.C.

Farmers Livestock Exchange, Marshville, N.C.

Farmers Livestock Market, Concord, N.C.

Franklin Livestock Auction, Franklin, N.C.

Fred Mathews Stock Auction, Hertford, N.C.

Greenville Live Stock Sales, Greenville, N.C.

Gus Z. Lancaster's Stockyard, Rocky Mount, N.C.

Hickory Live Stock & Commission Co., Hickory, N.C.

Hooker and Company, Kinston, N.C.

John F. Hobbs Stockyards, Inc., Goldsboro, N.C.

Kings Livestock Auction Market, Murphy, N.C.

Liberty Livestock Market, Whiteville, N.C.

Lumberton Auction Co., Inc., Lumberton, N.C.

Norlina Stock Yards, Norlina, N.C.

Mineral Springs Livestock Market, Mineral Springs, N.C.

Morris Livestock Co., Charlotte, N.C.

Mt. Airy Livestock Market, Inc., Mt. Airy, N.C.

Oxford Livestock Market, Oxford, N.C.

Pates Stockyard, Pembroke, N.C.

Powell Livestock Commission Co., Smithfield, N.C.

Raleigh Stock Yards, Raleigh, N.C.

R. E. Craft and Company, Inc., Saratoga, N.C.

Riley's Livestock Market, North Wilkesboro, N.C.

Shelby Sales Barn, Shelby, N.C.

Statesville Livestock Market, Statesville, N.C.

Sutton and Welsh Auction Market, Clinton, N.C.

Toe River Livestock Market, Spruce Pines, N.C.

V. R. Pugh Livestock Commission, Asheboro, N.C.

Warrenton Livestock Market, Warrenton, N.C.

West Jefferson Livestock Market, West Jefferson, N.C.

Whiteville Livestock Market, Whiteville, N.C.

Winfield Livestock Auction Market, Chocowinity, N.C.

Carmen Livestock Exchange, Carmen, Okla.

Fairview Sale Barn, Fairview, Okla.

Grove Sales Company, Inc., Grove, Okla.

Pawnee Sales Co., Pawnee, Okla.

Ponca Livestock Auction, Ponca City, Okla.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of February 1959.

[SEAL]

JOHN C. PIERCE,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-1871; Filed, Mar. 3, 1959; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN A. CLAUSSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER:

A. Deletions: West Kentucky Coal Co.
B. Additions: None.

This statement is made as of February 23, 1959.

JOHN A. CLAUSSEN.

FEBRUARY 24, 1959.

[F.R. Doc. 59-1849; Filed, Mar. 3, 1959; 8:47 a.m.]

WALLACE E. CARROLL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 18, 1959.

WALLACE E. CARROLL.

FEBRUARY 18, 1959.

[F.R. Doc. 59-1850; Filed, Mar. 3, 1959; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9942]

SOUTHEAST AIRLINES ENFORCEMENT CASE

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on March 26, 1959, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., February 27, 1959.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-1855; Filed, Mar. 3, 1959; 8:48 a.m.]

[Docket No. 10068]

NATIONAL AIR TAXI CONFERENCE, INC., ET AL.

Notice of Hearing

In the matter of the complaint of The National Air Taxi Conference, Inc., and American Air Taxi, Inc. v. Hertz Rent A Plane System, Inc.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on March 25, 1959, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., February 27, 1959.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-1856; Filed, Mar. 3, 1959; 8:48 a.m.]

[Docket No. 9973]

COACH INVESTIGATION, NEW YORK CITY MARKETS

Notice of Prehearing Conference

In the matter of an investigation of coach-type service in certain New York City markets.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 17, 1959, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D.C., February 27, 1959.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-1857; Filed, Mar. 3, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12414 etc.; FCC 59M-261]

ALKIMA BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Austin E. Harkins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., and Marshall L. Jones, d/b as Alkima Broadcasting Company, West Chester, Pennsylvania; Docket No. 12414, File No. BP-10640; Herman Handloff, Newark, Delaware; Docket No. 12711, File No. BP-12190; Howard Wasserman, West Chester, Pennsylvania; Docket No. 12712, File No. BP-12208; for construction permits.

It is ordered, This 25th day of February 1959, that hearing in the above-entitled matter heretofore scheduled to commence on March 23, 1959, be, and it is, hereby rescheduled to commence on April 22, 1959, at 10:00 a.m., in the Commission's offices in Washington, D.C.

Released: February 26, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1862; Filed, Mar. 3, 1959;
8:49 a.m.]

[Docket Nos. 12566, 12774]

SANFORD L. HIRSCHBERG ET AL.

Order Scheduling Prehearing Conference

In re applications of Sanford L. Hirschberg and Gerald R. McGuire, Cohoes-Watervliet, New York; Docket No. 12566, File No. BP-11261; W. Frank Short and H. Clay Esbenschade d/b as Fairview Broadcasters, Rensselaer, New York; Docket No. 12774, File No. BP-12209; for construction permits for new standard broadcast stations.

It is ordered, This 25th day of February 1959, that a pre-hearing conference in the above-entitled matter will be held on March 20, 1959, at 10:00 a.m., in the Commission's offices in Washington, D.C.

Released: February 26, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1863; Filed, Mar. 3, 1959;
8:49 a.m.]

[Docket No. 12664; FCC 59-151]

RADIO KYNO, VOICE OF FRESNO (KYNO)

Application for Construction Permit

In re application of Amelia Schuler, Lester Eugene Chenault and Bert Williamson d/b as Radio KYNO, The Voice of Fresno (KYNO), Fresno, California; Docket No. 12664, File No. BP-11458; for construction permit.

At a session of the Federal Communications Commission held at its offices in

Washington, D.C., on the 25th day of February 1959;

The Commission having under consideration (1) its Order (FCC 58-1074) released November 17, 1958, designating the above-entitled application for hearing; (2) a petition for reconsideration thereof, filed December 12, 1958 by Joseph E. Gamble et al. d/b as Radio Lemoore, Lemoore, California; and (3) a comment of the Broadcast Bureau with respect to said petition, filed December 29, 1958;

It appearing, that petitioner requests that the above-referenced Order of Designation be amended to include a provision that any grant of the Radio KYNO application be subject to the acceptance of such interference as may be caused to its proposal by the operation proposed by Radio Lemoore in its pending application (File No. BP-12267);

It further appearing, that the Broadcast Bureau concurs in the relief requested, stating that thereby the rights of petitioner will be protected, and that no oppositions have been filed to the petition herein within the time allowed therefor;

It further appearing, that the grant of the petition herein is necessary and appropriate to protect the rights of the petitioner;

It is ordered, That Radio Lemoore's petition for reconsideration, filed December 12, 1958, is granted; and

It is further ordered, That the Commission's Order (FCC 58-1074), released November 17, 1958 is amended by inserting an additional ordering clause, to precede the final ordering clause, to read as follows:

It is further ordered, That should the application of Amelia Schuler, Lester Eugene Chenault and Bert Williamson, d/b as Radio KYNO, the Voice of Fresno (KYNO) be granted, such grant will be subject to such interference as may be caused to its proposal by the operation proposed by Joseph E. Gamble, et al., d/b as Radio Lemoore in its pending application (File No. BP-12267).

Released: February 27, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1864; Filed, Mar. 3, 1959;
8:50 a.m.]

[Docket No. 12687; FCC 59M-268]

CAROLINIAN, INC.

Order Continuing Hearing

In the matter of Carolinian, Inc., 1216 North Charles Street, Baltimore, Maryland; Docket No. 12687; Order to Show Cause why there should not be revoked the license of radio station WD-2875 aboard the vessel "Carolinian".

It is ordered, This 27th day of February 1959, that hearing in the above-entitled proceeding, which is presently scheduled to commence March 3, 1959, is continued without date, pending action on a motion by the Commission's Safety and Special Radio Services Bureau for

cancellation of hearing and issuance of initial decision and order of revocation.

Released: February 27, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1865; Filed, Mar. 3, 1959;
8:50 a.m.]

[Docket No. 12704; FCC 59M-265]

HARRY WILLIAMS

Order Continuing Hearing

In the matter of Harry Williams, 60 Dewey Avenue, Amityville, New York; Docket No. 12704; Order to Show Cause why there should not be revoked the license for Radio Station WE-2788 Aboard the Vessel "Calamity Jane".

The Hearing Examiner having under consideration a "Motion to Continue Proceedings" filed on February 20, 1959, by the Chief, Safety and Special Radio Services Bureau, Federal Communications Commission, requesting that the hearing in the above-entitled matter now scheduled for March 2, 1959, in Washington, D.C. be continued indefinitely;

It appearing, that the reason for the requested continuance is based on the following circumstances: that two notifications of this proceeding which were mailed to the respondent have been returned to the Commission undelivered; that there is outstanding a third notification dispatched on February 18, 1959; and that even if delivery of the latest notification on this matter is effectuated, nevertheless, the hearing must be continued beyond March 2, 1959, in order to afford respondent a 30-day period within which to file an appearance or a statement, as provided in § 1.62 of the rules; and

It further appearing, that the public interest requires that the Hearing Examiner act on the above-described motion forthwith and prior to expiration of the minimum period otherwise prescribed by § 1.43 of the rules; and

It further appearing, that good cause for granting the motion has been shown;

Accordingly, it is ordered, This 25th day of February 1959, that the aforesaid motion is granted; and the hearing now scheduled for March 2, 1959, is continued to a date to be fixed by subsequent order of the Hearing Examiner.

Released: February 26, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1866; Filed, Mar. 3, 1959;
8:50 a.m.]

[Docket Nos. 12770-12773; FCC 59M-259]

MOYER RADIO ET AL.

Order Scheduling Hearing

In re applications of Keith Moyer and Roger L. Moyer, d/b as Moyer Radio,

Providence, Rhode Island; Docket No. 12770, File No. BP-11140; Golden Gate Corporation, Providence, Rhode Island; Docket No. 12771, File No. BP-11945; Lorraine S. Salera, Arthur L. Movsovitze and Edson E. Ford d/b as Bristol County Broadcasting Co., Warren, Rhode Island; Docket No. 12772, File No. BP-11407; Radio Rhode Island, Inc., Providence, Rhode Island; Docket No. 12773, File No. BP-12383; for construction permits for new standard broadcast stations.

It is ordered, This 25th day of February 1959, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 20, 1959, in Washington, D.C.

Released: February 26, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1867; Filed, Mar. 3, 1959;
8:50 a.m.]

[Docket No. 12777; FCC 59M-260]

SEASIDE BROADCASTING CO. (KSRG)

Order Scheduling Hearing

In re application of Ronald L. Rule, John P. Gillis and James L. Dennon, d/b as Seaside Broadcasting Company (KSRG), Seaside, Oregon; Docket No. 12777, File No. BP-11200; for construction permit.

It is ordered, this 25th day of February 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 16, 1959, in Washington, D.C.

Released: February 26, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1868; Filed, Mar. 3, 1959;
8:50 a.m.]

[Docket No. 12782; FCC 59-166]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

Order for Investigatory Proceeding

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of February 1959, it appearing to the Commission that:

Whereas, as part of a study of radio and television network broadcasting as provided for by Public Law 112, 84th Congress, 1st Session, and Delegation Order No. 10, the Commission has been engaged in a study of television programming and in the course of such study has obtained information and data regarding the acquisition, production, ownership, distribution, sale, licensing, and exhibition of programs for television broadcasting; and

Whereas, the Commission has considered the matter and has determined that said information and data raise questions relevant to said study as to the existence and prevalence of policies and practices in connection therewith, which may affect the public interest in the larger and more effective use of television; and

Whereas, the Commission has determined that a formal inquiry is necessary to provide the Commission with information and data which are necessary to determine whether and the extent to which such policies and practices exist and which will be of value to the Commission in determining what, if any, rules, regulations, legislation or other actions are necessary or desirable in the public interest in connection with the said matters; and

Whereas, the Commission is empowered to perform any and all acts, make such rules and regulations, issue orders not inconsistent with the Act, as may be necessary in the execution of its functions and generally to encourage the larger and more effective use of radio in the public interest (47 U.S.C.A. 154(i) and 47 U.S.C.A. 303 (f), (g)—), and to make such special regulations applicable to radio stations engaged in chain broadcasting as the public interest, convenience, or necessity requires (47 U.S.C.A. section 303(i)—); and

Whereas, under the provisions of the Communications Act of 1934, as amended, this Commission is empowered and directed to grant construction permits and station licenses, or modifications or renewals thereof, for broadcast stations only after it has made a determination that the public interest, convenience, or necessity would be served thereby; and

Whereas, the Commission is required to report to Congress information and data considered of value in the determination of questions connected with the regulation of broadcasting and to make specific recommendations to Congress as to additional legislation which the Commission deems necessary or desirable (47 U.S.C.A. 154(k)—).

Now therefore, it is ordered, That an investigatory proceeding be instituted pursuant to section 403 of the Communications Act of 1934, as amended, for the purposes aforesaid, and that inquiry be made to determine the policies and practices pursued by the networks and others in the acquisition, ownership, production, distribution, selection, sale and licensing of programs for television exhibition, and the reasons and necessity in the public interest for said policies and practices, including the following:

(a) The extent, if any, to which networks or others seek to achieve, or have achieved, control of television programming;

(b) The extent to which network ownership or control of programs for television exhibition is necessary or desirable in the public interest;

(c) The extent, if any, to which networks exclude or seek to exclude programs not owned or controlled by them or in which they have not acquired a financial or proprietary interest from access to network television markets;

(d) The extent, if any, to which networks demand or require financial or proprietary interest in independently produced programs as a condition precedent to consideration for exhibition, or to exhibition, of such programs on the television networks;

(e) The participation of networks or persons owned or controlled by networks in the acquisition, ownership, production, distribution, selection, sale and licensing of programs for television syndication or non-network television exhibition.

It is further ordered, That for the purposes of said investigatory proceeding, Chief Hearing Examiner James D. Cunningham shall constitute a board within the meaning of section 5(d) of the Communications Act of 1934, as amended (47 U.S.C.A. 155(d)—) and shall convene, conduct and carry on said proceeding at such times and places as he shall determine will best facilitate the dispatch of the business of said proceeding and serve the ends of justice; shall preside over said investigatory proceeding, shall receive evidence, shall make a record thereof, and shall certify the said record to the Commission; and in connection with the said investigatory proceeding the said James D. Cunningham is hereby authorized and empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of books, papers, correspondence, memoranda and other records deemed relevant to the inquiry and to perform all other duties in connection therewith as authorized by law; and

It is further ordered, That the said investigatory proceeding shall be a public proceeding except that the said presiding officer may order non-public sessions of the said investigatory proceeding where and to the extent that the public interest, the proper dispatch of the business of said proceeding, or the ends of justice will be served thereby.

Adopted: February 26, 1959.

Released: February 27, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1869; Filed, Mar. 3, 1959;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-14705, G-14764]

DEEP SOUTH OIL COMPANY OF TEXAS

Order for Oral Argument

FEBRUARY 25, 1959.

Texas Gas Corporation, Houston, Texas, and Texas Eastern Transmission Corporation, Houston, Texas, interveners in the consolidated proceedings in the above-entitled dockets, filed exceptions to the Examiner's decision therein upon the Commission's order to show cause and upon the application of Deep South Oil Company of Texas, Beaumont, Texas, for a certificate of public con-

venience and necessity and requested oral argument thereon.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission as hereinafter ordered.

The Commission orders:

(A) There shall be oral argument before the Commission on March 20, 1959, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on the exceptions to the Examiner's decision in the above-captioned proceedings.

(B) Each intervenor will be allowed 45 minutes for presentation of argument. Deep South will be allowed one hour.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1829; Filed, Mar. 3, 1959;
8:45 a.m.]

[Docket No. G-17884]

TEXAS GULF PRODUCING CO.

Order for Hearing and Suspending Proposed Changes in Rates

FEBRUARY 25, 1959.

Texas Gulf Producing Company (Texas Gulf), on January 26 and 28, 1959, tendered for filing proposed changes in its presently effective rate schedules¹ for the sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Contract, dated January 12, 1959. (2) Letter, dated January 12, 1959. (3) Notice of Change, dated January 20, 1959. (4) Contract, dated January 12, 1959. (5) Letter, dated January 12, 1959. (6) Notice of Change, dated January 26, 1959.

Purchaser: United Gas Pipe Line Company. Rate schedule designations: (1) Texas Gulf's FPC Gas Rate Schedule No. 31.² (2) Supplement No. 1 to Texas Gulf's FPC Gas Rate Schedule No. 1. (3) Supplement No. 2 to Texas Gulf's FPC Gas Rate Schedule No. 31. (4) Texas Gulf's FPC Gas Rate Schedule No. 32.³ (5) Supplement No. 1 to Texas Gulf's FPC Gas Rate Schedule No. 32. (6) Supplement No. 2 to Texas Gulf's FPC Gas Rate Schedule No. 32.

Effective dates: (1-3) February 26, 1959, (4-6) February 28, 1959 (stated effective dates are the first day after the expiration of the required thirty days' notice).

In support of the proposed increased rates, Texas Gulf states that the superseding contracts were negotiated at arm's length and that the proposed rates are just and reasonable and, in small measure, tend to offset increased costs and encourage further exploration. Texas Gulf also cites other rates (for initial services) equal to or higher than its proposed rates for gas sales in the area.

Texas Gulf further requests waiver of notice to permit the increases to be effective as of November 1, 1958.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Texas Gulf's FPC Gas Rate Schedule Nos. 31 and 32 and Supplements Nos. 1 and 2 thereto be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Texas Gulf's FPC Gas Rate Schedule Nos. 31 and 32 and Supplement Nos. 1 and 2 thereto.

(B) Pending such hearing and decision thereon, said FPC Gas Rate Schedule No. 31 and Supplement Nos. 1 and 2 thereto be and they are each hereby suspended and the use thereof deferred until July 26, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Pending such hearing and decision thereon, said FPC Gas Rate Schedule No. 32 and Supplement Nos. 1 and 2 thereto be and they are each hereby suspended and the use thereof deferred until July 28, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the rate schedules nor the supplements hereby suspended shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1830; Filed, Mar. 3, 1959;
8:45 a.m.]

[Docket No. G-17885]

GULF OIL CORP.

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Increased Rate To Become Effective

FEBRUARY 25, 1959.

Gulf Oil Corporation (Gulf), on January 26, 1959, tendered for filing a proposed change in its presently effective

rate schedule¹ for sales of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filing:

Description: Notice of Change, dated January 21, 1959.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 6 to Gulf's FPC Gas Rate Schedule No. 84.

Effective date: February 26, 1959 (effective date is the first day following expiration of statutory notice).

In support of the proposed rate and charge, Gulf has interpreted the tax provisions of the aforementioned rate schedule to the effect that the tax reimbursement of the Louisiana severance tax will be at the same reimbursement level that Gulf received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The changed rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 6 to Gulf's FPC Gas Rate Schedule No. 84 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rate be made effective as hereinafter provided and that Gulf be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in Supplement No. 6 to Gulf's FPC Gas Rate Schedule No. 84.

(B) Pending such hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until February 27, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement shall be effective on February 27, 1959: *Provided, however*, That within 20 days from the date of this order, Gulf shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Gulf shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rate

¹ Present rates are in effect subject to refund in Docket No. G-15729.

² Supersedes Texas Gulf's FPC Gas Rate Schedule No. 14, as amended.

³ Supersedes Texas Gulf's FPC Gas Rate Schedule No. 5, as amended.

¹ Rate is currently in effect subject to refund in Docket No. G-15831.

found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Gulf until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly (or quarterly if Gulf so elects), for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the changed rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Gulf shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

Agreement and Undertaking of the Gulf Oil Corporation To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Change

In conformity with the requirements of the order issued (date), in Docket No. G-17885, the Gulf Oil Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

GULF OIL CORPORATION
By _____

Attest:

As a further condition of this order, Gulf shall file with the agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Gulf is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Gulf shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of prac-

tice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1831; Filed, Mar. 3, 1959;
8:45 a.m.]

[Docket Nos. G-16362, etc.]

SLICK OIL CORP. ET AL.

Notice of Severance and Continuance

FEBRUARY 26, 1959.

In the matters of Slick Oil Corporation (Operator) et al., Docket Nos. G-16362, et al.; H. L. Hunt, Docket No. G-16461.

Notice is hereby given that the application filed by H. L. Hunt in Docket No. G-16461 in the above-entitled proceedings and scheduled for hearing to be held on March 19, 1959, at 9:30 a.m., e.s.t., is hereby severed therefrom and continued for hearing at a subsequent date, to be set by further notice.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1832; Filed, Mar. 3, 1959;
8:45 a.m.]

[Docket No. G-16851]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

FEBRUARY 26, 1959.

Take notice that Lone Star Gas Company (Applicant), a Texas Corporation with principal place of business at 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. G-16851 on October 30, 1958, a budget-type application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Applicant to construct and operate facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate various lateral pipelines and related facilities to enable it to take into its certificated main pipeline system natural gas which it will purchase from producers in the general area of its existing transmission system from time to time during the calendar year 1959, at a total cost not in excess of \$1,000,000, with the total cost of any single project limited to \$350,000. By letter received January 19, 1959, Applicant stated it would accept a certificate conditioned to limit the maximum cost of any single project to \$250,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 2, 1959 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1833; Filed, Mar. 3, 1959;
8:45 a.m.]

[Docket No. G-17503]

SOUTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

FEBRUARY 26, 1959.

Take notice that on January 12, 1959, Southern Natural Gas Company (Applicant) filed in Docket No. G-17503 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition from Alabama Gas Corporation (Alabama) and the operation of approximately 1.5 miles of 12¾-inch lateral pipeline extending northeasterly from a point of connection with Applicant's existing Calera lateral line in Alabama to its meter station near Bessemer, Alabama. The application also requests permission and approval pursuant to section 7(b) of the Natural Gas Act to abandon by sale to Alabama approximately 1.8 miles of 12¾-inch lateral pipeline extending southeasterly from a point on Applicant's main North Line to a point in North Birmingham, Alabama. This application is on file with the Commission and open to public inspection.

The proposed acquisition by Applicant of the 1.5 miles of lateral from Alabama which serves the City of Bessemer is requested in order to give Applicant control of the gas to the point of metering, making Applicant solely responsible for the maintenance and operation of all facilities up to the meter station outside of Bessemer, which meter station Applicant already owns and operates. The

purchase price is to be the original cost less depreciation to the date of closing, which depreciated book value was \$11,047.72 on November 30, 1958; this cost to be defrayed from funds on hand.

The proposed sale by Applicant to Alabama of the 1.8 miles of lateral in the North Birmingham area, including meter building and appurtenant equipment, is desired to give Alabama control and operation of the lateral up to Applicant's meter station which has been relocated from the southeast terminus of said lateral to the point of connection of said lateral with Applicant's main North Line. The depreciated book value of the properties which Alabama desires to purchase from Applicant (including land at original cost without depreciation) was \$14,409.84 as of November 30, 1958.

The foregoing transactions are proposed under a letter agreement between Applicant and Alabama dated November 28, 1958.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 31, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 18, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 59-1834; Filed, Mar. 3, 1959;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 258]

MOTOR CARRIER APPLICATIONS

FEBRUARY 27, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by

brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 873 (Sub No. 32), filed December 4, 1958. Applicant: SOONER FREIGHT LINES, a corporation, 3000 West Reno, Box 2458, Oklahoma City, Okla. Applicant's attorney: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between junction U.S. Highway 64 and Oklahoma Highway 114, approximately ten (10) miles east of Boise City, Okla., and the U.S. Government Helium Plant, approximately four (4) miles northeast of Keyes, Okla., over Oklahoma Highway 114, serving no intermediate points; and (2) between junction U.S. Highway 64 and unnumbered county road, approximately fifteen (15) miles east of Boise City, Okla., on the one hand, and, on the other, the U.S. Government Helium Plant, approximately four (4) miles northeast of Keyes, Okla., from junction U.S. Highway 64 and unnumbered county road, approximately fifteen (15) miles east of Boise City, Okla., over unnumbered county road to Keyes, Okla., thence over Oklahoma Highway 114 to the U.S. Government Helium Plant, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Kansas, Oklahoma, and Texas.

NOTE: Any duplication with present and pending authority to be eliminated.

HEARING: April 14, 1959, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 2428 (Sub No. 13), filed January 13, 1959. Applicant: HAROLD PRANG, doing business as PRANG TRUCKING, 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough cast copper bars and billets; and copper cakes, cathodes, ingots, pigs, or slabs*, from Carteret and Perth Amboy, N.J., to Hicksville, N.Y., and *returned shipments* of the commodities specified in this application on return.

NOTE: Applicant indicates the service to be performed under contract with Circle Wire & Cable Corp., Maspeth, N.Y. Applicant is authorized to conduct contract carrier operations in Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island. Applicant holds common carrier authority in

Certificate No. MC 113100. Dual operations under section 210 may be involved.

HEARING: April 20, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 3252 (Sub No. 23), filed November 10, 1958. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's attorney: Francis E. Barrett, 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Brunswick, Maine, and points in Cumberland and Sagadahoc Counties, Maine, to Portsmouth, Newington, and Manchester, N.H.

HEARING: April 10, 1959, at the Federal Building, Portland, Maine, before Joint Board No. 114, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 4405 (Sub No. 323), filed December 8, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis*, in initial movements, in truckaway and driveaway service, from San Antonio, Tex., to points in the United States; (2) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers moving in initial movements by the driveaway method, from San Antonio, Tex., to points in Arizona, Nevada, Oregon, and Vermont; (3) *Trucks*, in secondary movements, in driveaway service, from San Antonio, Tex., to points in Arizona, Nevada, Oregon, and Vermont; (4) *truck and trailer bodies*, from San Antonio, Tex., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 23, 1959, at The Hilton Hotel, San Antonio, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 4405 (Sub No. 324), filed December 29, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis, and semi-trailer chassis*, in initial movements, by truckaway and driveaway methods, from Oklahoma City, Okla., to points in the United States, including the District of Columbia, but excluding points in Arkansas, Kansas, Oklahoma, and Texas; (2) *Tractors*, in secondary movements, via driveaway method only when drawing trailers moving in initial movements by the driveaway method, from Oklahoma City, Okla., to points in Arizona, Nevada, Oregon, and Vermont; (3) *Trucks*, in secondary movements, via driveaway method, from Oklahoma City, Okla., to

points in Arizona, Nevada, Oregon, and Vermont; and (4) *Truck and trailer bodies*, from Oklahoma City, Okla., to points in the United States, including the District of Columbia, but excluding points in Arkansas, Kansas, Oklahoma, and Texas. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 9, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Richard H. Roberts.

No. MC 7555 (Sub No. 31), filed December 24, 1958. Applicant: **TEXTILE MOTOR FREIGHT, INC.**, P.O. Box 7, Ellerbe, N. C. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Milton (Northumberland County), Pa., to points in Alabama, Florida, and Louisiana. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia.

HEARING: April 14, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 8948 (Sub No. 44), filed January 29, 1959. Applicant: **WESTERN TRUCK LINES, LTD.**, 2550 East 28th Street, Los Angeles 58, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Class A and B explosives*, as classified in the Commission's rules and regulations covering the transportation of explosives and other dangerous articles, *ammunition and component parts* not included in Class A and B explosives, and *component parts* of Class A and B explosives, between El Paso, Tex., and Phoenix, Ariz., on the one hand, and, on the other, Yuma, Ariz. (Vincent Air Force Base), and the site of the U.S. Army Testing Station located approximately 33 miles northeast of Yuma, Ariz. Applicant is authorized to conduct operations in California, Arizona, Nevada, New Mexico, and Texas.

NOTE: Applicant states the proposed transportation will be over its regular routes, with off-route service to the U.S. Army Testing Station, now used by it in the transportation of general commodities as described in Certificate MC 8948 and sub-numbers thereunder, serving no intermediate points. Applicant further states it is authorized to transport Class A, B, and C explosives, etc., between El Paso, Tex., and points in California and Nevada which it is authorized to serve in the transportation of general commodities, over regular and irregular routes (see Certificate MC 8948, Sub 23, Appendix D), in which operation of A and B explosives between El Paso and California points applicant states it is authorized to pass over U.S. Highway 80 through Yuma, Ariz., enroute to and from California, at which point Vincent Air Force Base is located, with the U.S. Army Testing Station only 33 miles northeast thereof.

HEARING: April 29, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 127, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 13250 (Sub No. 65), filed November 17, 1958. Applicant: **J. H. ROSE TRUCK LINE, INC.**, P.O. Box 16037, 3804 Jensen Drive, Houston, Tex. Applicant's attorneys: Thomas E. James and Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and *commodities*, the transportation of which, because of their size or weight, requires the use of special equipment or handling, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment or handling; and *airplanes, airplane parts, and airplane engines*, between points in Texas, Louisiana, Arkansas, Oklahoma, Kansas, New Mexico, Arizona, and California, on the one hand, and, on the other, points in Washington and Oregon, including commodities moving from or to ports of embarkation in Washington and Oregon having their origin or destination as points in the new State of Alaska, on the one hand, and, on the other, points in California, Utah, Arizona, New Mexico, Colorado, Idaho, Wyoming, Montana, North Dakota, South Dakota, Kansas, Nebraska, Texas, Oklahoma, Arkansas, and Louisiana. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE: Any duplication with present or pending authority to be eliminated.

HEARING: April 28, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Texas, before Examiner Richard H. Roberts.

No. MC 14297 (Sub No. 13), filed December 8, 1958. Applicant: **GIACOMAZZI BROS. TRANSPORTATION CO.**, a corporation, P.O. Box 729, San Jose, Calif. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Crockett, Calif., to points in Douglas, Jackson, Josephine, Klamath, Lake, Lane, Curry, and Coos Counties, Oreg., and *rejected or contaminated shipments* of liquid sugar on return movements. Applicant is authorized to conduct operations in California and Oregon.

HEARING: April 8, 1959, New Mint Building, 133 Herman Street, San Francisco, Calif., before Joint Board No. 11,

or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 14698 (Sub No. 6), filed December 16, 1958. Applicant: **AUTO HAULERS CO.**, a Corporation, 2407 East 27th Place, Tulsa, Okla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *New automobiles, new trucks, new tractors, new trailers, new bodies, new chassis, and automobile parts and accessories*, in initial movements, in truckaway service; *new automobiles, new trucks, new tractors, new trailers, new bodies, new chassis, and automobile parts and accessories*, in secondary, or subsequent movements, in truckaway service; and *new automobiles, automobile bodies, automobile chassis, and paraphernalia*, in initial movements, in truckaway service, and *farm and garden tractors, and parts and accessories thereof* moving in connection therewith, serving Quapaw, Okla., as an intermediate point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Kansas, Michigan, Missouri, and Oklahoma.

HEARING: April 9, 1959, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 22300 (Sub No. 10), filed January 2, 1959. Applicant: **SMITH TRADING CO. INC.**, 1160 Beck Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Saltair, Lakepoint, and Flux, Utah, to points in Washington and those in Oregon west of the western boundaries of Umatilla, Grant, and Harney Counties, and *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodities on return. Applicant is authorized to conduct operations in Utah, Idaho, Montana, Wyoming, and Oregon.

HEARING: April 13, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Michael B. Driscoll.

No. MC 30887 (Sub No. 86) (Republication), filed November 17, 1958. Applicant: **SHIPLEY TRANSFER, INC.**, 534 Main Street, Reisterstown, Md. Applicant's representative: Donald E. Freeman, 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-metallic minerals*, in bulk, in dump-tank or hopper type semi-trailers, from Baltimore, Md., points in Carroll, Baltimore, Frederick, and Howard Counties, Md., those in Washington County, Md., on and east of U.S. Highway 11 (except Security, Md.) and those in Adams County, Pa., on and south of U.S. Highway 30, and those in York County, Pa., on and south of U.S. Highway 30, and on and west of U.S. Highway 111 (except York, Pa.), to points in Delaware, Indi-

ana, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, West Virginia, District of Columbia, and points in Bergen, Burlington, Camden, Mercer, Morris (except Boonton), Passaic, Salem, Sussex, and Warren Counties, N.J. Applicant is authorized to conduct operations in Maryland, West Virginia, Rhode Island, Connecticut, Massachusetts, Pennsylvania, New York, New Jersey, Virginia, North Carolina, Ohio, Indiana, Michigan, Missouri, Wisconsin, Tennessee, Delaware, Illinois, Georgia, Kentucky, Maryland, and the District of Columbia.

HEARING: April 8, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 31600 (Sub No. 459), filed November 4, 1958. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuel*, in bulk, in tank vehicles, from points in Cumberland County, Maine (except Portland and South Portland), to Pease Air Force Base, Newington, and Portsmouth, N.H., and Grenier Air Force Base, Manchester, N.H. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, New York, Connecticut, Maine, New Hampshire, Pennsylvania, Vermont, Indiana, Michigan, Delaware, Ohio, Illinois, South Carolina, North Carolina, Maryland, West Virginia, New Jersey, Virginia, and Kentucky.

HEARING: April 10, 1959, at the Federal Building, Portland, Maine, before Joint Board No. 114, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 36517 (Sub No. 7), filed December 5, 1958. Applicant: JAMES J. KEATING, INC., 58 State Street, Perth Amboy, N.J. Applicant's attorney: Kalman S. Schindel, 450 Seventh Avenue, New York 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel*, *silica gel catalyst*, and *alumina oxide catalyst*, in bulk, from Paulsboro, N.J., to Brooklyn, N.Y. Applicant is authorized to conduct operations in New York, New Jersey, Maryland, Connecticut, Pennsylvania, Delaware, and the District of Columbia.

HEARING: April 7, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 37432 (Sub No. 1), filed December 29, 1958. Applicant: CHARMS SALES COMPANY, a corporation, 611 Heck Street, Asbury Park, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, and *materials and supplies* used in the manufacture of candy, between Bloomfield, Asbury Park, Freehold, and Newark, N.J., on the one hand, and, on the other, points in the New York, N.Y., and Philadelphia, Pa., Commercial Zones, as defined by the Commission. Applicant is

authorized to transport the commodities specified in New Jersey and New York.

HEARING: April 16, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 44605 (Sub No. 10), filed October 27, 1958. Applicant: MILNE TRUCK LINES, INC., 1000 South Third West Street, Salt Lake City, Utah. Applicant's attorney: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between Barstow, Calif., and Las Vegas, Nev., from Barstow over U.S. Highway 91 to Las Vegas, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Los Angeles, Calif., and Las Vegas, Nev. Applicant is authorized to conduct operations in Arizona, Nevada, California, and Utah.

HEARING: April 17, 1959, in Room 202, State Office Building, Las Vegas, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 55878 (Sub No. 8), filed January 28, 1959. Applicant: NATIONAL FREIGHT, INC., 122 Wood Street, Vineland, N.J. Applicant's attorney: Irving Abrams, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are usually transported in dump or hopper vehicles, between piers and wharves located in the Ports of New York, N.Y. (including Port Newark, N.J.), Philadelphia, Pa., Baltimore, Md., and Wilmington, Del., on the one hand, and, on the other, points in Maryland, Pennsylvania, New York, Virginia, New Jersey, and Delaware. Applicant is authorized to conduct operations in Pennsylvania, New York, Delaware, New Jersey, Maryland, District of Columbia, Connecticut, Rhode Island, Massachusetts, Virginia, North Carolina, and South Carolina.

HEARING: April 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert A. Joyner.

No. MC 59014 (Sub No. 17), filed December 24, 1958. Applicant: TALLANT TRANSFER COMPANY, INC., 1341 2d Avenue SW., Hickory, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Alexander, Burke, Cabarrus, Catawba, Cleveland, Davie, Gaston, Iredell, Lincoln, Rowan, Rutherford, and Watauga Counties, N.C., and points in Chesterfield, Darlington, Dillon, Fairfield, Florence, Kershaw, Lancaster, Lexington, Marlboro, Newberry, Richland, Sumter, and York

Counties, S.C., to points in Ohio, Pennsylvania, and West Virginia; (2) *Mineral wool* and *mineral wool products*, from Trenton, N.J., to points in North Carolina; (3) *alfalfa meal*, *corn gluten meal*, and *soy bean meal*, from points in Ohio, to points in North Carolina on and west of U.S. Highway 29; (4) *feed*, from points in Illinois and Ohio, to points in North Carolina on and west of U.S. Highway 29; and (5) *polyurethane foams*, used in the manufacturing of upholstering pads or padding, from Baltimore, Md., to points in North Carolina on and west of U.S. Highway 29. Applicant is authorized to conduct operations in South Carolina, Georgia, Florida, Alabama, Tennessee, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, the District of Columbia, New York, North Carolina, Massachusetts, Rhode Island, Connecticut, Kentucky, West Virginia, Ohio, Arkansas, Mississippi, Missouri, Louisiana, Wisconsin, Illinois, Michigan, and Kansas.

HEARING: April 29, 1959, in the U.S. Court Rooms, Charlotte, N.C., before Examiner Lucian A. Jackson.

No. MC 59117 (Sub No. 10), filed December 8, 1958. Applicant: ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, not including petrochemicals, in specially constructed tanks and tank-trailers, or in containers furnished by shipper, and *empty containers*, between the plant site of Callery Chemical Company at Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, and Texas. Applicant is authorized to conduct operations in Missouri, Oklahoma, Kansas, Arkansas, and Texas.

HEARING: April 10, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Richard H. Roberts.

No. MC 59854 (Sub No. 11), filed November 24, 1958. Applicant: APPLE-YARD'S MOTOR TRANSPORTATION COMPANY, INC., 7 Lowell Street, Methuen, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuels*, from Brunswick, Maine, and points in Cumberland and Sagadahoc Counties, Maine, to Portsmouth, Manchester, and Newington, N.H. Applicant is authorized to conduct regular route operations in Massachusetts, New Hampshire, and Vermont, and irregular route operations in Maine, Massachusetts, New Hampshire, and Vermont.

HEARING: April 10, 1959, at the Federal Building, Portland, Maine, before Joint Board No. 114, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 59894 (Sub No. 17), filed February 6, 1959. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, El Paso, Tex. Applicant's attorney: Arthur H. Glanz, 839

South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Phoenix, Ariz., and Lordsburg, N. Mex., from Phoenix over U.S. Highway 70 to Lordsburg, and return over the same route, serving no intermediate points on this route which are not now authorized.

NOTE: Applicant states it is proposed that this route will be used in conjunction with its other presently authorized routes as an additional regular route serving no points not presently authorized. No duplicate authority is sought. Applicant is authorized to conduct operations in Arizona, California, New Mexico, and Texas.

HEARING: April 30, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 129, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 59941 (Sub No. 5), filed January 23, 1959. Applicant: HAMILTON MOTOR LINES, INC., P.O. Box 281, Farmingdale, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, including gold and silver bullion and coins, livestock, Class A and B explosives, household goods as defined by the Commission, commodities requiring sump or tank trucks, and those requiring special equipment, between New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.

NOTE: Applicant states that its existing authority provided for the service shown in this application. However, it is necessary for applicant to operate through the Gateway of Jersey City, N.J. The purpose of this application is to eliminate the Gateway.

HEARING: April 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 60303 (Sub No. 7), filed December 11, 1958. Applicant: ROY BARSH, doing business as ROY BARSH TRUCK LINE, 1219½ Main Street, Joplin, Mo. Applicant's attorney Robert R. Hendon, Investment Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and glassware*, from points in Creek County, Okla., to points in California, and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

HEARING: April 7, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Richard H. Roberts.

No. MC 60612 (Sub No. 12), filed January 14, 1959. Applicant: SAMUEL TISCHLER, Morton Avenue, Rosenhayn, N.J. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Bridgeport, Cedarville, Cologne, Folsom, Hammon-ton, Landisville, and Quinton, N.J., Buffalo and Syracuse, N.Y., Johnstown, Pa. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Maryland, the District of Columbia, Delaware, Connecticut, Massachusetts, and Rhode Island.

HEARING: April 22, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 71530 (Sub No. 12), filed January 21, 1959. Applicant: W. EARL APPELEGATE, Station Road, Cranbury, N.J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, herbicides, fungicides, sprayers, applicators or distributors or parts thereof* for applying fertilizers, insecticides, herbicides and fungicides, *advertising paraphernalia or displays* used in promoting the sale of these commodities, limited to shipments transported simultaneously with fertilizers or fertilizer materials, from Baltimore; Md., to points in New Jersey, those in Bucks County, Pa., Philadelphia, Pa., those in Albany, Columbia, Dutchess, Nassau, Orange, Putnam, Queens, Rensselaer, Rockland, Suffolk, Sullivan, Ulster, and West Chester Counties, N.Y., and New York, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodities on return.

HEARING: April 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 75185 (Sub No. 222), filed January 29, 1959. Applicant: SERVICE TRUCKING COMPANY, INC., Preston Road, Federsburg, Md. Applicant's attorney: Francis W. McInerney, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products* (not canned or frozen), and *reconstituted citrus juices*, in mechanically refrigerated vehicles, from Queenstown, Md., to points in New York, Pennsylvania, New Jersey, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Maryland, New York, Delaware, Pennsylvania, New Jersey, Virginia, the District of Columbia, Connecticut, Rhode Island, Massachusetts, Missouri, Ohio, Illinois, Wisconsin, Michigan, North Carolina, West Virginia, Alabama, Louisiana, Mississippi, Iowa, Nebraska, Minnesota, South Carolina, Florida, Georgia, Arkansas, Indiana, Kansas, Kentucky, and Tennessee.

HEARING: April 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 75317 (Sub No. 11), filed December 29, 1958. Applicant: CENTRAL DISPATCH, INC., Foot of Pacific Street, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool* (rock, slag, and glass), *mineral wool products, building and industrial insulation*, between South Plainfield, N.J., on the one hand, and, on the other, points in Allegany and Garrett Counties, Md., points in Berkeley, Jefferson, and Morgan Counties, W. Va., and those in Virginia; *Materials and supplies* used in the manufacture and distribution of the above commodities except liquid commodities in bulk, in tank vehicles, together with *returned, rejected, or damaged shipments*, from points in Allegany and Garrett Counties, Md., points in Berkeley, Jefferson, and Morgan Counties, W. Va., and those in Virginia to South Plainfield, N.J. RESTRICTION: The operations to be authorized herein are to be limited to a transportation service to be performed under a continuing contract or contracts with American Rock Wool Corporation, South Plainfield, N.J. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

HEARING: April 20, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 75651 (Sub No. 47), filed January 5, 1959. Applicant: R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Compressed yeast, dried yeast, breadmaking compounds, bread or dough enriching compounds, soup mix, dessert preparations, coffee extract, baking powder, cocoa beverage preparation, tea, instant tea, and salad gelatin*, serving Peekskill, N.Y., as an off-route point in connection with applicant's authorized regular route operations to and from New York, N.Y. (a distance of approximately 40 miles). Applicant is authorized to conduct operations in Florida, Maryland, South Carolina, North Carolina, Georgia, Virginia, Pennsylvania, New Jersey, New York, Delaware, and the District of Columbia.

NOTE: Applicant states that service shall be restricted to traffic which moves to or from, or is interchanged at, points on applicant's presently authorized regular routes in Florida, Georgia, or South Carolina.

HEARING: April 7, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 76032 (Sub No. 128), filed November 24, 1958. Applicant: NAV-AJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. Applicant's attorneys: O. Russell Jones and Jack Smith, P.O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, trans-

porting: *General commodities, including government-owned compressed gas trailers loaded with compressed gas (other than liquefied petroleum gas), or empty, and except commodities of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the Helium Plant, located 3½ miles northeast of Keyes, Okla. (one mile off of Country Road 114), as an off-route point in connection with applicant's authorized regular and irregular route operations.* Applicant is authorized to conduct operations in New Mexico, Arizona, California, Colorado, Texas, Illinois, Missouri, Indiana, Nebraska, Oklahoma, Iowa, Kansas, and Nevada.

HEARING: April 8, 1959, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 78787 (Sub No. 42), filed December 9, 1958. Applicant: **PACIFIC MOTOR TRUCKING COMPANY**, a corporation, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: William Meinhold, Pacific Motor Trucking Company, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and new trucks, except trailers, in initial movements, in truckaway service, from the site of the Chevrolet-Oakland Division of General Motors Corporation assembly plant at Oakland, Calif., to Brookings, Oreg.* Applicant is authorized to conduct operations in Oregon, California, Arizona, and Nevada.

NOTE: Applicant is authorized to conduct operations as a common carrier in Certificate No. MC 78786 and sub numbers thereunder; therefore, dual operations under section 210 may be involved.

HEARING: April 8, 1959, New Mint Building, 133 Herman Street, San Francisco, Calif., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 79135 (Sub No. 23), filed December 18, 1958. Applicant: **COS-SITT MOTOR EXPRESS, INC.**, 63 West Kendrick Avenue, Hamilton, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Milk products, other than liquid and/or dessert preparations, when shipped in mixed truckloads with powdered milk, from Little Valley, Ellicottville, and Sinclairville, N.Y., to New York, N.Y., and points in New Jersey within fifteen (15) miles of New York, N.Y., as intermediate and off-route points, as follows: (1) from Little Valley over New York Highway 18 to junction New York Highway 17; (also from Ellicottville over U.S. Highway 219 to junction New York Highway 17), thence over New York Highway 17 to Binghamton, N.Y., thence over New York Highway 7 to Afton, N.Y., thence over New York Highway 41 to McClure, N.Y. at junction New York Highway 17, thence over New York Highway 17 to the New York-New Jersey State line, thence over New Jersey Highway 17 to Newark, N.J.,*

thence over city streets and through the Holland Tunnel to New York; and (2) from Sinclairville over New York Highway 60 to junction New York Highway 17, thence over New York Highway 17 to Binghamton, N.Y., thence over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 via Stroudsburg, Pa., to junction U.S. Highway 46 at Delaware Water Gap (Monroe County), Pa., thence over U.S. Highway 46 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the Lincoln Tunnel. Applicant is authorized to conduct regular route operations in New York, and irregular route operations in Connecticut, Delaware, Maine, Maryland; Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

HEARING: April 13, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 80524 (Sub No. 3), filed December 31, 1958. Applicant: **RANDALL TRUCKING CORPORATION**, 53 Catskill Avenue, Yonkers, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal window frames, from Stamford, Conn., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.* Applicant is authorized to conduct operations in the above specified states and Massachusetts and the District of Columbia.

HEARING: April 16, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 81814 (Sub No. 2), filed January 12, 1959. Applicant: **LOMPOC TRUCK COMPANY**, a corporation, 321 North G Street, Lompoc, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Infusorial earth powder, infusorial earth insulating brick and diatomaceous earth, chemically combined with not to exceed 50 percent of hydrated lime or magnesium oxide, from White Hills, Calif., to Port Hueneme, Calif., from White Hill over California Highway 1 to Las Cruces, Calif., thence over U.S. Highway 101 to Oxnard, Calif., and thence over undesignated county road to Port Hueneme, serving no intermediate points.* Applicant is authorized to conduct operations in California.

NOTE: Applicant indicates the service to Port Hueneme for further trans-shipment by steamship.

HEARING: April 21, 1959, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 87202 (Sub No. 5), filed December 24, 1958. Applicant: **PICKWICK MOVING CO., INC.**, 438 East 59th Street, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, between Holland, Mich., on the one hand, and, on the other, New York, N.Y., Philadelphia and Pittsburgh, Pa., Cleveland, Ohio, Chicago, Ill., Atlanta, Ga., Dallas, Tex., and Indianapolis, Ind.* Applicant is authorized to conduct operations in New York, Connecticut, New Jersey, Maine, Massachusetts, Pennsylvania, Rhode Island, Virginia, Delaware, Maryland, New Hampshire, North Carolina, Vermont, and the District of Columbia.

HEARING: April 15, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 89684 (Sub No. 23), filed December 15, 1958. Applicant: **WYCOFF COMPANY, INCORPORATED**, 346 West Sixth South, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives, and commodities of unusual value, and excluding liquid commodities in bulk, household goods as defined by the Commission, and commodities which because of size or weight require special equipment, having a prior or subsequent movement by aircraft, between Salt Lake City, Utah, Airport, on the one hand, and, on the other, all points in Utah, Idaho, Wyoming, Nevada, Montana, and Oregon, on the routes now authorized to applicant in Certificates No. MC 89684 and MC 89684 (Sub No. 22), serving all intermediate and off-route points designated in said two certificates.* Between Salt Lake City, Utah, Airport, on the one hand, and, on the other, the following points which are extensions beyond the routes referred to above and described in the existing authority held by applicant: (1) Between Nephi, Utah, and Bunkerville, Nev., from Nephi over U.S. Highway 91 to junction unnumbered highway, thence over unnumbered highway to Bunkerville, and return over the same route, serving all intermediate points, and the off-route points of Delta, Milford, Enterprise, and Springdale, Utah. (2) Between Green River, Utah, and Mexican Hat, Utah, from Green River over combined U.S. Highways 50 and 6 to Crescent Junction, Utah, thence over U.S. Highway 160 to Monticello, Utah, thence over Utah Highway 47 to Mexican Hat, and return over the same route, serving all intermediate points, and the off-route points of Dove Creek and Cortez, Colo., and Shiprock, N. Mex. (3) Between Ely, Nev., and Caliente, Nev., over U.S. Highway 93, serving all intermediate points and the off-route point of Lund, Nev. (4) Between junction U.S. Highways 30-N and 30-S east of Lyman, Wyo., and Garden City, Utah, from junction U.S. Highways 30-N and 30-S east of Lyman, Wyo., over U.S. Highway 30-N to Kemmerer, Wyo., thence continuing over U.S. Highway 30-N to Sage, Wyo., thence over Wyoming Highway 89 to the Wyoming-Utah State line, thence over Utah Highway 51 approximately five miles to Sage Creek Junction, Utah, and thence

over Utah Highway 3 to Garden City, and return over the same route, serving all intermediate points, and the off-route points of Randolph and Woodruff, Utah. (5) Between junction U.S. Highways 30-N and 30-S east of Lyman, Wyo., and Evanston, Wyo., from junction U.S. Highways 30-N and 30-S over U.S. Highway 30-N to Kemmerer, Wyo., thence over U.S. Highway 189 to Evanston, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations. (6) Between Boise, Idaho, and Baker, Oreg., from Boise over Idaho Highway 15 to McCall, Idaho, thence over U.S. Highway 95 to Weiser, Idaho, thence over U.S. Highway 30-N to junction U.S. Highway 30, and thence over U.S. Highway 30 to Baker, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming.

HEARING: April 15, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Michael B. Driscoll.

No. MC 95350 (Sub No. 3), filed December 8, 1958. Applicant: ROBERT W. JONES AND WILMA A. JONES, doing business as R. W. JONES TRUCKING COMPANY, 364 West Main Street, Vernal, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbon dioxide*, in bulk, in specially constructed tank vehicles, from Wellington, Utah, to points in Wyoming, Colorado, and New Mexico, and *returned or rejected shipments* of the above-specified commodity on return movements. Applicant is authorized to conduct operations in Colorado, Utah, and Wyoming.

HEARING: April 9, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Michael B. Driscoll.

No. MC 98614 (Sub No. 1), filed December 11, 1958. Applicant: C. M. WILBANKS, doing business as GEORGIA TRUCKING CO., 805 Memorial Drive SE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires use of special equipment, (2) *road construction machinery and equipment, and parts thereof*, as defined in Appendix VIII to Report in Description in Motor Carrier Certificates 61 MCC 209, (3) *agricultural machinery and implements and parts thereof*, as defined in Appendix XII to Report in Description in Motor Carrier Certificates 61 MCC 209, and (4) *farm tractors, attachments and parts thereof*, between points in Georgia.

NOTE: Applicant states it is president and sole stockholder of Dixie Hauling Company, a corporation engaged in contract carrier operations, Docket MC 30657 and sub numbers thereunder; therefore, common control may be involved.

HEARING: April 27, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint

Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 100170 (Sub No. 3), (Republication) filed December 12, 1958. Applicant: GLEN R. ELLIS, 3502 Divine Avenue, Chattanooga, Tenn. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Chicago, Ill., to Chattanooga, Tenn., and *empty malt beverage containers*, on return. Applicant is authorized to conduct contract carrier operations in Georgia, Indiana, Kentucky, Ohio, and Tennessee.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 100170 (Sub No. 2).

HEARING: April 13, 1959, at the U.S. Post Office and Court House, Chattanooga, Tenn., before Examiner Lucian A. Jackson.

No. MC 103051 (Sub No. 59), filed November 3, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid tallow, animal oils, animal fats, animal greases, and animal oils blended with vegetable oils*, in bulk, in tank vehicles, from points in Knox County, Tenn., to points in Franklin, Hart, and Madison Counties, Ga. Applicant is authorized to conduct operations in Virginia, Texas, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Alabama, Florida, Delaware, Georgia, Illinois, Indiana, and Kentucky.

HEARING: April 24, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 103051 (Sub No. 60), filed November 3, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid tallow, animal oils, animal fats, animal greases, and animal oils blended with vegetable oils*, in bulk, in tank vehicles, from points in North Carolina, South Carolina, Tennessee, Alabama, and Florida, to points in Clarke County, Ga. Applicant is authorized to conduct operations in Virginia, Texas, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Alabama, Florida, Delaware, Georgia, Illinois, Indiana, and Kentucky.

HEARING: April 24, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 103051 (Sub No. 61), filed November 3, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney:

R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid tallow, animal oils, animal fats, animal greases and animal oils blended with vegetable oils*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Georgia and North Carolina. Applicant is authorized to conduct operations in Virginia, Texas, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Alabama, Florida, Delaware, Georgia, Illinois, Indiana, and Kentucky.

HEARING: April 24, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 103051 (Sub No. 63), filed December 5, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, between points in Mecklenburg County, N.C., on the one hand, and, on the other points in South Carolina and Georgia. Applicant is authorized to conduct operations in Alabama, Georgia, Tennessee, Florida, South Carolina, Mississippi, North Carolina, Delaware, Kentucky, Maryland, Virginia, and Texas.

HEARING: April 24, 1959, at 680 West Peachtree Street, NW., Atlanta, Ga., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 103378 (Sub No. 115), filed December 12, 1958. Applicant: PETROLEUM CARRIERS CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions*, in bulk, in tank vehicles, from Pace Junction (Santa Rosa County), Fla., to points in Georgia and Alabama. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

HEARING: April 28, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 103993 (Sub No. 114), filed January 12, 1959. Applicant: MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from all points in Utah, except Salt Lake City, to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 16, 1959, at the Utah Public Service Commission, Salt Lake

City, Utah, before Examiner Michael B. Driscoll.

No. MC 104589 (Sub No. 15), filed December 10, 1958. Applicant: J. L. LAWHON, 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages, flavoring syrup, extracts of flavoring syrup and advertizing matter* moving in connection with carbonated beverages, flavoring syrup and flavoring syrup extracts, from the plant site of Canada Dry Corporation at Atlanta, Ga., to points in Alabama, Mississippi, South Carolina, Tennessee, and points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington Bay, Jackson, Calhoun, and Gulf Counties, Fla., and *used empty bottles, and containers* on return; (2) *used empty bottles and containers* from the plant site of Canada Dry Corporation at Atlanta, Ga., to Asheville, Canton, and Hickory, N.C.; (3) *empty containers or other such incidental facilities*, used in transporting the above-specified commodities, from points of destination to the plant site of Canada Dry Corporation at Atlanta, Ga., and from the plant site of Canada Dry Corporation at Atlanta, Ga., to points in Wayne, McCreary, Whitley, Bell, Harlan, Knox, Lural, Pulaski, Rockcastle, Jackson, Clay, Letcher, Knott, Perry, Ousley, Leslie, Lee, Breathitt, Floyd, Pike, Martin, Johnson, Morgan, Wolfe, and Mageffin Counties, Ky., and *used empty bottles and containers*, from the above-specified destination points to the plant site of Canada Dry Corporation at Atlanta, Ga. Applicant is authorized to conduct operations in Georgia, Alabama, Florida, North Carolina, and Kentucky.

HEARING: April 22, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 105265 (Sub No. 41), filed January 21, 1959. Applicant: DENVER-AMARILLO RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P.O. Box 3148, Dallas, Tex. Applicant's attorney: Scott P. Sayers, 308 Jack Danciger Building, 817 Taylor Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Keyes, Okla., and the site of the Keyes Helium Plant at or near Keyes, Okla. Applicant is authorized to conduct operations in Colorado, New Mexico, Oklahoma, and Texas.

HEARING: April 14, 1959, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 105920 (Sub No. 10), filed December 15, 1958. Applicant: THE SQUAW TRANSIT COMPANY, a corporation, Box 9415, Tulsa, Okla. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products, and by-products, and *Machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in New Jersey and points in Oklahoma. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, and West Virginia.

HEARING: April 7, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Richard H. Roberts.

No. MC 106398 (Sub No. 111), filed January 5, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Utah, except Salt Lake City, to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 16, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Michael B. Driscoll.

No. MC 107107 (Sub No. 112), filed December 12, 1958. Applicant: ALTERNATE TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit, frozen berries, frozen vegetables, frozen seafood, and frozen prepared foods*, between points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Indiana, Illinois, Wisconsin, Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: April 27, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 107227 (Sub No. 69), filed December 8, 1958. Applicant: INSURED

TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from San Francisco, Calif., to points in Nevada and Utah. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 7, 1959, New Mint Building, 133 Herman Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107227 (Sub No. 70), filed January 8, 1959. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural sprayers*, on wheels, from Yakima, Wash., to points in the United States west of a line commencing at the Gulf of Mexico and extending along the Mississippi River to the point of intersection of the eastern and southern boundaries of Minnesota, thence along the eastern boundary of Minnesota to the International Boundary line between the United States and Canada. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 7, 1959, New Mint Building, 133 Herman Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107409 (Sub No. 18), filed December 8, 1958. Applicant: RATLIFF & RATLIFF, INC., P.O. Box 399, OFFICE ADDRESS: Highway 742, Wadesboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick, blocks, slabs, tile, and related articles*, as more fully described in the application, on flat bed trailers with removable sides, from Salisbury and Sanford, N.C., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Indiana, Mississippi, Michigan, Illinois, Kentucky, Tennessee, Alabama, Ohio, West Virginia, Virginia, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, Pennsylvania, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia; and (2) *Ceramic wall and floor tile*, from Canton, Ohio, and Summerville and Darlington, Pa., to Salisbury and Sanford, N.C. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states it proposes to transport Ceramic wall and floor tile on return movements.

HEARING: April 7, 1959, at Hotel Patrick Henry, Roanoke, Va., before Examiner Lucian A. Jackson.

No. MC 108466 (Sub No. 4), filed December 5, 1958. Applicant: BELMONT TRUCKING COMPANY, INC., 79 Laight Street, New York 13, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grocery supplies*, between Boston, Mass., on the one hand, and, on the other, Newark, Perth Amboy, Carteret, and Butler, N.J., and points in Connecticut, Massachusetts, Rhode Island, and points in the New York, N.Y., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

NOTE: Applicant states that it now transports groceries and wishes to add the above, in that the trend of business is to haul one with the other, and shippers are reluctant to transport one without the other.

HEARING: April 13, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 109584 (Sub No. 50), filed December 5, 1958. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting in bulk, in tank vehicles: (1) *Lignin liquor*, namely, wood pulp liquor, from Camas, Wash., and Lebanon, Oreg., to points in Arizona; (2) *wine*, from Fresno, Calif., to Albuquerque, N. Mex., and (3) *liquid petroleum wax*, from Richmond, Calif., to Benson, Ariz., and points within 20 miles of Benson, in Cochise County, Ariz.; and *rejected and contaminated shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, New Mexico, Oregon, Texas, Utah, and Washington.

HEARING: April 27, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner Michael B. Driscoll.

No. MC 109584 (Sub No. 51), filed December 29, 1958. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water*, including water that has been *distilled, treated, or demineralized*, in bulk, in tank vehicles, between points in Arizona, California, Nevada, New Mexico, and Texas; (2) *Synthetic resin*, in bulk, in tank vehicles, from points in Los Angeles County, Calif., to Denver and Pueblo, Colo.; and (3) *Rejected and contaminated shipments* of the above-described commodities, from the above-specified destination points to the above-specified origin points. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho,

Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

HEARING: April 20, 1959, at the Federal Building, Los Angeles, Calif., before Examiner Michael B. Driscoll.

No. MC 109584 (Sub No. 52), filed January 15, 1959. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Henderson, Nev., to Phoenix, Ariz., and tall oil, in bulk, in tank vehicles, from Missoula, Mont., and points within ten (10) miles thereof, to points in Arizona. Applicant is authorized to conduct operations in Utah, California, Colorado, Idaho, Oregon, Washington, Nevada, Arizona, Texas, and New Mexico.

HEARING: April 27, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner Michael B. Driscoll.

No. MC 109584 (Sub No. 54), filed January 29, 1959. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups and liquid sugars*, in bulk, in tank vehicles, from West Jordan, Utah, to points in Arizona; and *rejected and contaminated shipments of syrups and liquid sugars* from points in Arizona to West Jordan, Utah. Applicant is authorized to transport similar commodities in Arizona and California.

HEARING: April 28, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 48, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 109689 (Sub No. 77), filed October 31, 1958. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid and nitrogen solutions*, in bulk, in tank vehicles, from Brea, Calif., and points within 10 miles thereof, to points in Coconino County, Ariz., and *rejected and contaminated shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Arizona, Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming.

HEARING: April 22, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 109689 (Sub No. 79), filed November 14, 1958. Appellant: W. S. HATCH CO., a Utah corporation, 643 South 800 West, Woods Cross, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*,

in bulk, except liquid chemicals, between points in California, Utah, Colorado, New Mexico, and those in Coconino County, Ariz. Applicant is authorized to conduct operations in Nevada, Utah, Oregon, Colorado, Montana, Idaho, Wyoming, and California. *Rejected or contaminated shipments of chemicals*, on return.

HEARING: April 6, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Michael B. Driscoll.

No. MC 109689 (Sub No. 82), filed December 1, 1958. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk, with no restriction as to type of equipment used, from Wendover, Utah, and points within twenty-five (25) miles thereof, to points in California, Nevada, Oregon, Idaho, Montana, Wyoming, Colorado, New Mexico, and Arizona, and *rejected or contaminated shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in Arizona, Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming.

HEARING: April 13, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Michael B. Driscoll.

No. MC 110012 (Sub No. 7), filed November 7, 1958. Applicant: G. B. C., INCORPORATED, Morristown, Tenn. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as described in Appendix II to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, crated and uncrated, from Morristown, Tenn., to points in Arkansas, Iowa, Kansas, Louisiana, Nebraska, and Texas, *materials and supplies* used in the manufacture of new furniture, as hereinafter described: *burlap*, from Savannah, Ga., Jersey City, N.J., and New York, N.Y., to Morristown, Tenn.; *cord and twine*, from Auburn, N.Y., to Morristown, Tenn.; *electric motors*, from Jacksonville, Ark., High Point, N.C., and Racine, Wis., to Morristown, Tenn.; *fabric*, from points in North Carolina, Chicopee, Clinton, and Lowell, Mass., Mount Holly, N.J., Brooklyn and New York, N.Y., and La France, S.C., to Morristown, Tenn.; *Fibre*, from Atlanta, Ga., to Morristown, Tenn.; *foam rubber*, from Shelton, Conn., Mishawaka, Ind., Chicopee, Mass., Burlington, N.J., Brooklyn and Buffalo, N.Y., Asheville, Hickory, and High Point, N.C. and Akron, Ohio, to Morristown, Tenn.; *glue*, from Chicago, Ill., High Point, N.C., and Lansdale, Pa., to Morristown, Tenn.; *hair pads*, from Alliance, Ohio, to Morristown, Tenn.; *hardboard*, from Baltimore, Md., to Morristown, Tenn.; *hardware*, from Willimantic, Conn., Miami, Fla., Chicago, Ill., Cynthiana and Middleton, Ky., to Baltimore, Md., Jamestown and New York, N.Y., Charlotte, N.C., and Williamsport, Pa., to Morristown, Tenn.; *jute*, from New

York, N.Y., to Morristown, Tenn.; *jute pads*, from Henderson, N.C., to Morristown, Tenn.; *lumber*, from Owego, N.Y., Williamsport, Pa., and Orangeburg, S.C., to Morristown, Tenn.; *paper products*, from Salem, Ill., Hillside, N.J., High Point, N.C., and Lockland, Ohio, to Morristown, Tenn.; *plastic covering*, from Canton, Chicopee and Lawrence, Mass. and Philadelphia, Pa., to Morristown, Tenn.; *plywood*, from Blountstown, Fla., Valdosta, Ga., Grand Rapids, Mich., Plymouth, Roseboro and Windsor, N.C., and Dillon, Florence and Winnsboro, S.C., to Morristown, Tenn.; *rheostats*, from Huntington, Ind., and Newark, N.J. to Morristown, Tenn.; *springs*, from Chicago and Harvey, Ill., Louisville, Ky., Detroit, Mich., Hoboken, N.J., Brooklyn, N.Y., Hickory, High Point and Highland, N.C., and Cleveland, Ohio, to Morristown, Tenn.; *steel mechanisms*, from Chicago, Ill., and Chicopee and Holyoke, Mass., to Morristown, Tenn.; *tack bands*, from Springfield and Taunton, Mass., to Morristown, Tenn.; and *tacks*, from Whitman, Mass., to Morristown, Tenn. Applicant is authorized to conduct operations in Tennessee, Connecticut, Massachusetts, Rhode Island, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Indiana, Illinois, Ohio, Pennsylvania, Delaware, Maryland, New Jersey, New York, Michigan, Wisconsin, Minnesota, Missouri, and the District of Columbia.

HEARING: April 9, 1959, at the County Court House, Knoxville, Tenn., before Examiner Lucian A. Jackson.

No. MC 110420 (Sub No. 213), filed December 17, 1958. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *tanning extract*, in bulk, in tank vehicles, from Staten Island, N.Y., to points in Minnesota, Wisconsin, Indiana, Illinois, Michigan, and Ohio; (2) *animal, vegetable and fish oils*, and *blends thereof*, in bulk, in tank vehicles, from Somerville, Salem and Saugus, Mass., and Conshohocken, Pa., to points in Ohio, Wisconsin, Illinois, Michigan, and Minnesota; (3) *malt syrup*, in bulk, in tank vehicles, from Maywood, N.J., to Chicago, Ill., and (4) *fatty acids*, in bulk, in tank vehicles, from Harrison, N.J., to points in Michigan, Illinois, Wisconsin, Ohio, and Indiana. Applicant is authorized to conduct operations in Illinois, Wisconsin, Iowa, Minnesota, Missouri, Indiana, Nebraska, Michigan, Ohio, Alabama, Florida, Kansas, Louisiana, Mississippi, Massachusetts, New York, Oklahoma, Pennsylvania, Tennessee, Texas, South Dakota, Virginia, and West Virginia.

HEARING: April 9, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 110878 (Sub No. 9), filed November 20, 1958. Applicant: GRADY ALBERTSON, doing business as ARGO TRUCKING COMPANY, East Heard Street, Elberta, Ga. Applicant's attorneys: Guy H. Postell and Reuben G.

Crimm, Eight-O-Five Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated marble water closet stall partitions*, complete, from Nelson and Tate, Ga., to points in Alabama, Florida, Mississippi, Louisiana, North Carolina, South Carolina, Arkansas, Texas, and points in Missouri except St. Louis and points within twenty-five (25) miles thereof. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Texas.

HEARING: April 22, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 111196 (Sub No. 13), filed January 26, 1959. Applicant: R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from Williamsport, Md., and points within five miles thereof, to points in Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: April 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 111231 (Sub No. 35), filed November 13, 1958. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tulsa, Okla., and the junction of U.S. Highway 75 and new Oklahoma Highway 138 at the east edge of Preston, Okla., from Tulsa over U.S. Highway 169 to the junction of new Oklahoma Highway 138, thence over new Oklahoma Highway 138 to the junction of U.S. Highway 75 at the east edge of Preston, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Missouri, Arkansas, Oklahoma, Illinois, Texas, Tennessee, and Kansas.

HEARING: April 8, 1959, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 111383 (Sub No. 6), filed February 6, 1959. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 201 North Raynolds, El Paso, Tex. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a

common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk and those requiring special equipment, between Phoenix, Ariz., and Lordsburg, N. Mex.: from Phoenix, Ariz., and Lordsburg, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Texas, California, Arizona, and New Mexico.

NOTE: Applicant states the proposed route will be used in conjunction with its authorized routes as an additional regular route serving no points not presently authorized, and proposing to serve Lordsburg as a point of joinder only. Applicant states no duplicate authority is sought.

HEARING: April 30, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 129, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 111401 (Sub No. 104), filed December 1, 1958. Applicant: GROENDYKE TRANSPORT, INC., 2204 North Grand, Enid, Okla. Applicant's representative: Vic Comstock, Traffic Supervisor, Groendyke Transport, Inc. (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, between points in Oklahoma and points in Alabama, Kentucky, Mississippi, Tennessee, Utah, and Wyoming. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, Utah, and Wyoming.

HEARING: April 6, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Richard H. Roberts.

No. MC 112020 (Sub No. 56), (Republication) filed November 4, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a Texas corporation, 1030 Stayton Street, Forth Worth, Texas. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Texas. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from the sites of the Buckeye-Cellulose Corporation Mills at Memphis, Tenn., to the plant site of Proctor and Gamble at Dallas, Tex. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, Colorado, Mississippi, Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin, New York, South Dakota, Pennsylvania, New Mexico, and Arizona.

NOTE: Applicant states that the above requested authority will be restricted against tacking to any other authority held by applicant.

HEARING: April 17, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 34, or, if the Joint Board waives its

right to participate, before Examiner Richard H. Roberts.

No. MC 112113 (Sub No. 5), filed January 29, 1959. Applicant: GYPSUM HAULAGE, INC., 2301 South Newkirk Street, Baltimore, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except liquid commodities in bulk in tank vehicles, between the National Gypsum Company plant located approximately three (3) miles from Burlington, N.J., on the one hand, and, on the other, points in Delaware, New Jersey, and Maryland, those in Fairfield, Hartford, Litchfield, Middlesex, and New Haven, Conn., those in Broome, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, Westchester, Bronx, Queens, Kings, Richmond, and New York Counties, N.Y., those in that portion of Pennsylvania in, east and south of Bradford, Lycoming, Clinton, Clearfield, Indiana, Westmoreland, Allegheny, Washington, and Green Counties, those in that portion of West Virginia in, east and north of Monongalia, Marion, Taylor, Barbour, Randolph, and Pendleton Counties, and those in that portion of Virginia in and east of Augusta, Nelson, Amherst, Campbell, Pittsylvania, and in and north of Halifax, Mecklenburg, Brunswick, Greenville, Southampton, Nansemond, and Norfolk Counties, and the District of Columbia. Applicant is authorized to conduct operations in Maryland, Pennsylvania, New Jersey, Virginia, Delaware, the District of Columbia, Connecticut, and New York.

NOTE: Applicant states the proposed transportation will be under a contract with the National Gypsum Company.

HEARING: April 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke.

No. MC 112113 (Sub No. 6), filed January 29, 1959. Applicant: GYPSUM HAULAGE, INC., 2301 South Newkirk Street, Baltimore, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except liquid commodities in bulk in tank vehicles, between Baltimore, Md., on the one hand, and, on the other, points in Delaware, New Jersey, and Maryland, those in Fairfield, Hartford, Litchfield, Middlesex, and New Haven Counties, Conn., those in Broome, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, Westchester, Bronx, Queens, Kings, Richmond, and New York Counties, N.Y., those in that portion of Pennsylvania in, east and south of Bradford, Lycoming, Clinton, Clearfield, Indiana, Westmoreland, Allegheny, Washington, and Green Counties, those in that portion of West Virginia in, east and north of Monongalia, Marion, Taylor, Barbour, Randolph, and Pendleton Counties, and those in that portion of Virginia in and east of Augusta, Nelson, Amherst, Camp-

bell, Pittsylvania, and in and north of Halifax, Mecklenburg, Brunswick, Greenville, Southampton, Nansemond, and Norfolk Counties, and the District of Columbia. Applicant is authorized to conduct operations in New York, New Jersey, Maryland, Pennsylvania, Virginia, Delaware, the District of Columbia, and Connecticut.

NOTE: Applicant states the proposed transportation will be under a contract with the National Gypsum Company.

HEARING: April 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke.

No. MC 112497 (Sub No. 129), filed December 15, 1958. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, P.O. Box 3096, Istrouma Branch, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Cedartown, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Texas, and those in that part of Tennessee west of U.S. Highway 27. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia.

HEARING: April 28, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 112774 (Sub No. 3), filed December 29, 1958. Applicant: GURRAN CHEMICAL COMPANY, INC., Main Street, Grassy Point, Stony Point, N.Y. Applicant's attorneys: Kirilin, Campbell & Keating, Munsey Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trimethoxy ethoxy propane and methanol* (methyl alcohol), from West Haverstraw, N.Y., to Bound Brook, N.J.; and from Newark, N.J., to West Haverstraw, N.Y. Applicant is authorized to conduct operations in Connecticut, New York, New Jersey, and Pennsylvania.

HEARING: April 17, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 112822 (Sub No. 19), filed January 2, 1959. Applicant: EARL BRAY, INC., P.O. Box 910, Cushing, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, not including petrochemicals, in specially constructed tanks and tank-trailers, or in containers furnished by shipper, and *empty containers* between the plant site of Callery Chemical Company at Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, and Texas. Applicant is authorized to conduct operations in Kansas, Texas, Oklahoma, Arkansas, Illinois, Iowa, Mississippi,

Missouri, Nebraska, Indiana, Kentucky, Tennessee, and South Dakota.

HEARING: April 10, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Richard H. Roberts.

No. MC 113514 (Sub No. 43), filed November 24, 1958. Applicant: SMITH TRANSIT, INC., 305 Simons Building, 1528 Main Street, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets* (polyethylene), in bulk, in specialized equipment, from Texas City, Tex., to Chicago, Ill. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Texas, and Utah.

NOTE: Applicant is under common control with Cement Transports (MC 116391) and Chemical Express, Permit No. MC 115135 (Sub No. 1), dated January 28, 1957. Dual operations under section 210 may be involved.

HEARING: April 17, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Richard H. Roberts.

No. MC 113514 (Sub No. 47), filed December 8, 1958. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium arsenite*, in bulk, in tank, and hopper-type trailers, from Texarkana, Ark., to Mexia and Orange, Tex. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Texas, and Utah.

NOTE: Applicant is under common control with Chemical Express (Permit No. MC 115135 (Sub No. 1), dated January 28, 1957)—section 210 (dual authority) may be involved.

HEARING: April 17, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 152, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 114015 (Sub No. 10), filed January 26, 1959. Applicant: HUSS, INCORPORATED, Chase City, Va. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and pallet material*, from Keysville and Chase City, Va., to the site of the Ford Motor Company plant at or near Delair, Camden County, N.J., Bloomfield, N.J., and points in New Jersey within 40 miles of Bloomfield, N.J., Weirton, W. Va., New York, N.Y., and points in Pennsylvania, Indiana, Ohio, Maryland, and the District of Columbia, and *refused and damaged shipments* of pallets and pallet material on return. Applicant is authorized to conduct operations in Virginia, New Jersey, New York, Pennsylvania, Indiana, Ohio, Maryland, West Virginia, and the District of Columbia.

HEARING: April 10, 1959, at the Offices of the Interstate Commerce

Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 114045 (Sub No. 45), filed November 13, 1958. Applicant: R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, meats and meat products*, as defined by the Commission, from points in Virginia to points in Texas, Oklahoma, Arkansas, and New Mexico; (2) *Meats, meat products and meat by-products*, as described in Section A of Appendix 1 to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (a) from Parsons, Arkansas City, Coffeyville, and Wichita, Kans., to Fort Smith, Ark.; (b) from Springhill, La., to points in Kentucky, Pennsylvania, New York, New Jersey, Maryland, Connecticut, Rhode Island, Delaware, Massachusetts, Virginia, West Virginia, Tennessee, except Memphis, and Washington, D.C.; (c) from Lake Charles, La., to points in Tennessee, except Memphis. Applicant is authorized to conduct operations in Arkansas, Virginia, Maryland, New Jersey, New York, Pennsylvania, Louisiana, Oklahoma, Texas, Massachusetts, District of Columbia, Kentucky, Connecticut, West Virginia, Virginia, Delaware, Rhode Island, New Mexico, Indiana, Illinois, Michigan, Ohio, Kansas, Missouri, and Colorado.

HEARING: April 16, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Richard H. Roberts.

No. MC 114284 (Sub No. 9), filed November 17, 1958. Applicant: F. GAF-FIN, INC., P.O. Box 2734, Stockyards Station, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products, and articles distributed by meat-packing houses*, as defined by the Commission in Ex Parte No. MC 38, in peddle service, from Kansas City, Kans., to El Paso, Tex., points in Texas on the described segments of the following U.S. Highways including the points named: U.S. Highway 66 between Oklahoma-Texas State line and Amarillo, Tex.; U.S. Highway 87 between Amarillo, Tex., and Canyon, Tex.; U.S. Highway 60 between Canyon, Tex., and the Texas-New Mexico State line near Clovis, N. Mex.; U.S. Highway 87 between Canyon, Tex., and Lubbock, Tex.; U.S. Highway 62 between Lubbock, Tex., and Seminole, Tex.; U.S. Highway 180 between Seminole, Tex., and the Texas-New Mexico State line near Seminole, Tex.; U.S. Highway 66 between Amarillo, Tex., and the Texas-New Mexico State line near Endee, N. Mex.; points in Arizona and New Mexico, points in Montezuma, La Plata, Archuleta, Rio Grande, Mineral, San Juan, Dolores, and San Miguel Counties, Colo., points in San Juan County, Utah, and Las Vegas, Nev. Applicant is authorized to conduct operations in

Arkansas, Colorado, Kansas, Missouri, Nevada, New Mexico, Oklahoma, Texas, and Utah.

HEARING: April 13, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Richard H. Roberts.

No. MC 114905 (Sub No. 3), (Republication) filed September 19, 1958. Applicant: REGINALD L. McDEVITT, ALSTIN R. McDEVITT AND PAULINE A. McDEVITT, doing business as R. L. McDEVITT AND SON, High Street, Ellsworth, Maine. Applicant's attorney: William D. Pinansky, 403-4-5 Clapp Memorial Building, 443 Congress Street, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Bangor, Maine and Calais, Maine, from Bangor over Alternate U.S. Highway 1 to Ellsworth, Maine, thence over U.S. Highway 1 to Calais, and return over the same route, serving the intermediate points of Ellsworth, Hancock, Waukeag Station, Cherryfield, Columbia Falls, Machias, East Machias, and Dennysville, Maine, and the off-route points of Bar Harbor, Franklin, and Eastport, Maine. Applicant indicates the proposed operation is to be limited to express service for the account of the Railway Express, Inc. and that this operation is to replace a discontinued rail service in this area. Applicant is authorized to conduct contract carrier operations under Permit No. MC 18630. Dual operations under section 210 may be involved.

HEARING: April 9, 1959, at the Federal Building, Portland, Maine, before Joint Board No. 70, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 115311 (Sub No. 11), filed November 7, 1958. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides and chemicals*, from points in Decatur County, Ga., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Virginia, West Virginia, Mississippi, and Tennessee. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: April 23, 1959, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 115311 (Sub No. 12), filed November 7, 1958. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood basket strips*, from points in Louisiana (Pike County), Mo., and points within 10 miles thereof, to Americus, Ga., and points within 10 miles thereof. Applicant is authorized to conduct operations in Alabama, Florida,

Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: April 23, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 115311 (Sub No. 13), filed December 15, 1958. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga. Applicant's attorney: J. Douglas Harris, 413 Bell Building, Montgomery 4, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, chemicals and other materials* that are used in, or incidental to the manufacture, sale and/or distribution of insecticides, from points in Arkansas, Tennessee, West Virginia, North Carolina, South Carolina, Florida, Alabama, Georgia, New Jersey, Pennsylvania, Texas and Delaware to Dawson, Ga., and points within 10 miles of Dawson. *Insecticides*, from Dawson, Ga., and points within 10 miles of Dawson, to points in Georgia, Alabama, Tennessee, North Carolina, South Carolina, Florida, and Mississippi. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: April 15, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Lucian A. Jackson.

No. MC 115311 (Sub No. 14), filed January 12, 1959. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga. Applicant's attorney: J. Douglas Harris, 413 Bell Building, Montgomery 4, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, and chemicals and other materials* used in, or incidental to the manufacture, sale and/or distribution of insecticides, in seasonal operations, from points in Alabama and Florida to Albany, Ga., and points within ten (10) miles thereof, and *insecticides*, from Albany, Ga., and points within ten (10) miles thereof, to points in Alabama, and Florida.

HEARING: April 15, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 115504 (Sub No. 11), filed December 29, 1958. Applicant: KENISON TRUCKING, INC., P.O. Box 324, 413 South Second West Street, Salt Lake City 10, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from Garfield, Utah, to points in California. Applicant is authorized to transport fertilizer in Arizona, California, Nevada, and Utah.

HEARING: April 14, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Michael B. Driscoll.

No. MC 115504 (Sub No. 12), filed January 12, 1959. Applicant: KENISON TRUCKING, INC., P.O. Box 324, 413 South Second West, Salt Lake City 10, Utah. Applicant's attorney: Bartly G. McDonough, 455 East Fourth South, Salt

Lake City 11, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Don, Idaho, to points in California, and *empty containers or other such incidental facilities* used in transporting dry fertilizer, on return. Applicant is authorized to transport fertilizer from Garfield, Utah, to points in California, and dry fertilizer from Garfield and Salt Lake City, Utah, and the U.S. Steel Corp. site at Geneva, Utah, to points in Idaho and Nevada (except Yerington, Nev., and points within 35 miles thereof, and Silverpeak, Nev., and points within 80 miles thereof).

HEARING: April 14, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Michael B. Driscoll.

No. MC 115523 (Sub No. 28), filed November 13, 1958. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers, including anhydrous ammonia, fertilizer compounds* used in the manufacture of commercial fertilizers, in liquid and dry form, in bulk and in containers, and *rejected and contaminated shipments* of the above-specified commodities, between points in Idaho, Oregon and Utah.

HEARING: April 9, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Michael B. Driscoll.

No. MC 115523 (Sub No. 32), filed December 13, 1958. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City 16, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in dry form, in bulk and in containers, between points in Utah and Wyoming. Applicant is authorized to conduct operations in Wyoming, Utah, and Idaho.

HEARING: April 8, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 280, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 115841 (Sub No. 49), filed December 22, 1958. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, as described in Section A of Appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from Montgomery, Ala., to points in Ohio, Michigan, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: April 14, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Lucian A. Jackson.

No. MC 116077 (Sub No. 56), filed November 19, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, 1020 Brown Building, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformer oils*, in bulk, in tank vehicles, from Port Arthur, Tex., to points in Alabama. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

HEARING: April 24, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Richard H. Roberts.

No. MC 116077 (Sub No. 57), filed November 21, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, P.O. Box 858, 1020 Brown Building, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from the plant site of the Shell Oil Company at Deer Park, Tex., to points in Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, South Carolina, and North Carolina. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

HEARING: April 27, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Richard H. Roberts.

No. MC 117330 (Sub No. 1), filed January 9, 1959. Applicant: FLEMINGTON TRANSPORTATION, INCORPORATED, 21 Mine Street, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick, clay products and stone*, between points in Pennsylvania in and east of Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, and Lancaster Counties on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Schenectady, Albany, Greene, Ulster, Sullivan, Delaware, Broome, Orange, and Rockland Counties, N.Y., points in New Jersey, and those in Fairfield, New Haven, and Hartford Counties, Conn.; (2) *Lime and lime products*, from the above specified origin points in Pennsylvania to the above specified destination points.

NOTE: Applicant states that the above service will be limited to the performance of a transportation service under a continuing contract or contracts with Merritt Incorporated of Flemington, N.J.

HEARING: April 21, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 117371 (Sub No. 2), filed December 29, 1958. Applicant: TRANSIT CARRIER, a corporation, 15 Wagaraw Road, Hawthorne, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in tank vehicles, from Hoboken, N.J., and New York, N.Y., to Paterson and Elizabeth, N.J. Applicant is authorized to transport dry chemicals from Morrisville, Pa., to Paterson, N.J.

NOTE: Applicant indicates that the proposed operations be restricted to traffic having a prior movement by steamship.

HEARING: April 17, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 117574 (Sub No. 41), filed January 8, 1959. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, tractor attachments, incidental machinery, and parts* of the above commodities when moving in connection therewith, between points in Ontario, Yates, and Livingston Counties, N.Y., on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 6, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold W. Angle.

No. MC 117574 (Sub No. 42), filed January 22, 1959. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, agricultural and industrial irrigation and drainage equipment, attachments, parts and fittings for pipe, conduit, irrigation and drainage equipment* when moving in connection with such equipment, between points in Nebraska, North Dakota, South Dakota, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, West Virginia on the one hand, and, on the other, points in New York on and east of U.S. Highway 11. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold W. Angle.

No. MC 117658 (Sub No. 1), filed December 21, 1958. Applicant: EFCCO TRUCKING CO., INC., 15 East 18th

Street, New York, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Thread, yarn, zippers, pattern books and notions*, between Fair Lawn, N.J., and New York, N.Y.

NOTE: Applicant states that the above transportation will be conducted under continuing contracts with Coats & Clark's Sales Corporation, New York, N.Y.

HEARING: April 9, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 117765 (Sub No. 1), filed December 5, 1958. Applicant: HAHN TRUCK LINE, INC., 210 East Sixth Street, South Hutchinson, Kans. Applicant's attorney: Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Greases, lubricating oil, and anti-freeze*, in containers, from Oklahoma City, Okla., to points in North Dakota, South Dakota, Minnesota, and Iowa, and *empty containers* used in transporting the above-described commodities, on return.

NOTE: President of applicant corporation also conducts common carrier operations as an individual in Docket No. MC 52898 and sub numbers thereunder; an application is pending with the Commission for transfer of the operating rights presently owned by Leon Hahn, individual, to applicant corporation.

HEARING: April 6, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Richard H. Roberts.

No. MC 117821, filed November 10, 1958. Applicant: J. K. BREWER, 1422 Williams, Tempe, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Medford, Ashland, White City, Wolf Creek, Grants Pass, Glendale, Riddle, Dillard, Roseburg, Remote, Cottage Grove, Eugene, Portland, Tillamook, and Wilbur, Oreg., and Redding, Ukiah, Eureka, Susanville, and Hoopa, Calif., to points in Apache, Coconino, Maricopa, Navajo, Pima, and Yavapai Counties, Ariz.

NOTE: Applicant states that it will haul lumber only for Larry Griffith of Phoenix, Ariz.

HEARING: April 24, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner Michael B. Driscoll.

No. MC 117841, filed November 14, 1958. Applicant: R. E. FARR, doing business as FARR TRANSIT CO., 168 North Main Street, Granite Falls, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts*, from points in McDowell, Wilkes, Burke, Catawba, and Caldwell Counties, N.C., to points in Minnesota, and return.

HEARING: April 29, 1959, in the U.S. Court Rooms, Charlotte, N.C., before Examiner Lucian A. Jackson.

No. MC 117853, filed November 17, 1958. Applicant: J. B. HOLLINGSWORTH, 2707 Mesa Avenue, Yuma, Ariz.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron, and batteries*, from Yuma, Ariz., to Los Angeles, Calif., and *pipe, fertilizer, steel, and saleable machinery* (farm machinery, mining machinery, road-building machinery), from Los Angeles, Calif., to Yuma, Ariz.

HEARING: April 22, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 117885 (Sub No. 2), filed January 14, 1959. Applicant: CHARLES J. HASHEM AND JOSEPH HASHEM, a partnership, doing business as HASHEM BROTHERS, 348 Rebecca Avenue North, Scranton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., Norfolk, Va., Baltimore, Md., and Philadelphia, Pa., to points in New York, Raleigh, N.C., and Norfolk, Va., and *refused and rejected shipments* of bananas, on return.

HEARING: April 22, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 117886, filed November 24, 1958. Applicant: JAMES B. STEWART, 2203 East Mohave, Phoenix, Ariz. Applicant's attorney: A. Michael Bernstein, 702 Arizona Savings Building, Phoenix, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *wine*, in containers, from Guasti and Lodi, Calif., to El Paso, Tex.; (2) *beer and malt beverages*, and *advertising material* to be used in connection therewith, and *empty containers and pallets*, between Los Angeles, Calif., and El Paso, Tex.; and (3) *beer and malt beverages*, from Phoenix, Ariz., to Los Angeles, Calif., El Paso, Tex., and Albuquerque, Silver City, and Las Cruces, N. Mex., and *empty containers and pallets*, on return.

HEARING: April 24, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner Michael B. Driscoll.

No. MC 117948, filed December 1, 1958. Applicant: LLOYD K. BROWN, doing business as BROWN'S TRAILER-HAULING, Box 534, Claypool, Ariz. Applicant's attorney: Harold A. Beelar, Court House, Globe, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers*, in initial or secondary movements, in towaway service, between points in Arizona on the one hand, and on the other, points in California, New Mexico, Colorado, and Texas.

HEARING: April 28, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner Michael B. Driscoll.

No. MC 117967, filed December 4, 1958. Applicant: AIR LINE TRUCKING SERVICE, INC., 275 Spring Street SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: (1) *fresh and frozen poultry*, between points in Georgia, Alabama, North Carolina, South Carolina, Tennessee, Virginia, Mississippi, and Louisiana, on the one hand, and, on the other, points in Georgia, Alabama, North Carolina, South Carolina, Tennessee, Virginia, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Wisconsin, Illinois, St. Louis, Mo., Kentucky, Indiana, Michigan, Ohio, District of Columbia, Connecticut, Delaware, Maryland, Pennsylvania, New Jersey, New York, and Massachusetts; (2) *Fish* (including shell fish and shrimp), frozen or fresh (but not including fish, shell fish, and shrimp which have been treated for preserving, such as canned, smoked, pickled, spiced, corned or kippered products) when transported on same vehicle with *frozen fruits, berries, vegetables or bananas*, from points in New York, New Jersey and Boston, Mass., to points in Ohio, Michigan, and Illinois.

HEARING: April 21, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 118064 (Sub No. 1), filed December 8, 1958. Applicant: CAPITOL FISH COMPANY, 777 West Whitehall Street, SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *fresh and frozen poultry*, (2) *fresh and frozen fish* (including shell fish and shrimp) frozen or fresh (but not including fish, shell fish, and shrimp which have been treated for preserving, such as canned, smoked, pickled, spiced, corned or kippered products), (3) *frozen eggs*, when transported on same vehicle with *frozen fruits, berries and vegetables*, from points in Maine, Massachusetts, Rhode Island, New York, New Jersey, Maryland, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Arkansas, Michigan, Illinois, Wisconsin, Texas, Oklahoma, Arizona, California, Washington, and Oregon to points in the United States.

HEARING: April 20, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 118193 (Sub No. 1), filed January 27, 1959. Applicant: RILEY TRUCKING COMPANY, INCORPORATED, P.O. Box 1102, 2221 Shennandoah Avenue SW., Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., Charleston, S.C., New York, N.Y., Norfolk, Va., Weehawken, N.J., and Wilmington, N.C., to Glenvar, Va., and points within one mile thereof, and *fruits and vegetables* on return.

NOTE: Applicant states Glenvar, Va., is on U.S. Highway 11, five miles west of Salem, Va. Applicant has now pending before the Commission a "grandfather" BOR 1 application, No. MC 118193.

HEARING: April 8, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 118304, filed December 8, 1958. Applicant: DARRELL K. CALDWELL,

Route 2, Florenceville, New Brunswick, Canada. Applicant's attorney: Francis E. Barrett, 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the international boundary line between the United States and Canada at or near Bridgewater and Houlton, Maine, to points in Maine, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, and Connecticut.

HEARING: April 9, 1959, at the Federal Building, Portland, Maine, before Examiner Lacy W. Hinely.

No. MC 118349 (Sub No. 1), filed December 10, 1958. Applicant: J. F. RAGSDALE, JR., doing business as EAST-WEST REFRIGERATED SERVICE, 856 Warner Street SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry*, when transported in the same vehicle with frozen fruits, berries or vegetables, from points in California to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee.

HEARING: April 20, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 118401, filed December 8, 1958. Applicant: AL KNUTSEN, 2801 West Glendale Avenue, Phoenix, Ariz. Applicant's attorney: Wilnot W. Trew, 330 East Thomas Road, Phoenix, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General roofing materials*, from points in the Los Angeles, Calif., Commercial Zone, and the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission, to Phoenix, Ariz.

HEARING: April 23, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its rights to participate, before Examiner Michael B. Driscoll.

No. MC 118460 (Sub No. 1), filed January 15, 1959. Applicant: DAVE MARTIN MASONRY SUPPLIES, a corporation, 560 North Magnolia, El Cajon, Calif. Applicant's representative: Cromwell Warner, 404 Yarmouth Road, Palos Verdes Estates, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Los Nietos, Calif., to points in Arizona and points in Clark County, Nev., and return.

NOTE: In the application the destination territory requested in Nevada is Henderson and Las Vegas, Nev., including adjacent terminal areas.

HEARING: April 21, 1959, at the Federal Building, Los Angeles, Calif., before Joint Board No. 166, or, if the Joint Board waives its rights to participate, before Examiner Michael B. Driscoll.

No. MC 118483, filed December 22, 1958. Applicant: SAMUEL A. IVERSEN, doing business as IVERSEN TRUCKING COMPANY, P.O. Box 154,

Point Arean, Calif. Applicant's representative: Pete H. Dawson, 1261 Drake Avenue, P.O. Box 1007, Burlingame, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from a mill located three (3) miles north of Manchester (Mendocino County), Calif., on California Highway 1, to San Francisco and Oakland, Calif., for export; and (2) *fences and fencing*, from a mill located three (3) miles north of Manchester (Mendocino County), Calif., on California Highway 1, to Sparks, Nev.

HEARING: April 9, 1959, New Mint Building, 133 Herman Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 118510, filed December 31, 1958. Applicant: GREELEY TRUCKING SERVICE, INC., 678 Washington Avenue, Pleasantville, N.Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, uncrated and crated, from Chappaqua, N.Y., to points in New Jersey; and *returned, rejected and damaged shipments* of furniture, uncrated and crated, on return.

HEARING: April 15, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 118538, filed January 9, 1959. Applicant: ROBERT LICCIONE, doing business as BODI TRUCKING, R.F.D. No. 1, Wappingers Falls, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Warren County, N.Y., to points in Maryland and Pennsylvania.

HEARING: April 21, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 118547, filed January 12, 1959. Applicant: WALTER M. CAHILL, doing business as ATLAS TOW SERVICE, 639 Turk Street, San Francisco, Calif. Applicant's attorney: John J. Crowley, 220 Bush Street, 1200 Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled vehicles and trucks*, between points in Storey, Ormsby, Douglas, and Lyon Counties, Nev., and those in Washoe County, Nev., on and west of U.S. Highways 40 and 40A and points in California on and north of the northern County lines of San Luis Obispo, Kern, and San Bernardino Counties, Calif.

HEARING: April 9, 1959, New Mint Building, 133 Herman Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

MOTOR CARRIERS OF PASSENGERS

No. MC 153 (Sub No. 1), filed December 8, 1958. Applicant: SCHENCK TOURS, INC., 255-22 87th Terrace, Floral Park, Queens County, N.Y. Appli-

cant's attorney: W. Royden Klein, 1 West Main Street, Smithtown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter service, beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to Washington, D.C., and points in New Jersey, Connecticut, Pennsylvania, Massachusetts, Maryland, Virginia, West Virginia, Delaware, and New York.

NOTE: Applicant states that the purpose of the instant application is to add points in Nassau and Suffolk Counties, N.Y., as additional base points for the operation of the existing rights of applicant. Applicant's present authority is from New York, N.Y., to the above-specified destination points and return.

HEARING: April 8, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 2060 (Sub No. 7), filed December 15, 1958. Applicant: PINE HILL-KINGSTON BUS CORPORATION, 27 Clinton Avenue, Kingston, N.Y. Applicant's attorney: Richard B. Overbagh, 41 Pearl Street, Kingston, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Cooperstown, N.Y., and Oneonta, N.Y., from Cooperstown over New York Highway 28 to Oneonta, and return over the same route, serving the intermediate points of Index, Hartwick, Seminary, Milford, Portlandville, Milford Center, and Colliersville, N.Y. Applicant is authorized to conduct operations in New York.

HEARING: April 8, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 116584 (Sub No. 2), (CORRECTION) filed December 4, 1958, published issue of February 4, 1959, at page 838. Applicant: LOUIS LARATTA, 432 Tenth Street, Niagara Falls, N.Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N.Y. The application previously published sought authority to transport *passengers and their baggage*, limited to the transportation of not more than seven (7) passengers. This was in error. Applicant seeks authority to transport eight (8) passengers.

HEARING: Remains as assigned March 12, 1959, at Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Leo A. Riegel.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUIRED

MOTOR CARRIERS OF PROPERTY

No. MC 921 (Sub No. 5), filed February 18, 1959. Applicant: DEAN TRUCK LINE, INC., Grant and Fleming Streets, P.O. Box 59, Corinth, Miss. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, household goods as defined by the Com-

mission, and commodities requiring special equipment, between Iuka, Miss., and Corinth, Miss., from Iuka over Mississippi Highway 25 to the Mississippi-Tennessee State line, thence over Tennessee Highway 57 to junction Tennessee Highway 22, thence over Tennessee Highway 22 to the Tennessee-Mississippi State line, thence over Mississippi Highway 2 to Corinth, and return over the same route, serving all intermediate points, and Shiloh National Military Park (Post Office, Pittsburgh Landing), Tenn., as an off-route point. Applicant is authorized to conduct operations in Mississippi and Tennessee.

NOTE: Any duplicating authority to be eliminated.

No. MC 7670 (Sub No. 1), filed February 11, 1959. Applicant: W. H. BOSWELL, doing business as BOSWELL TRUCK LINES, Waldo, Ark. Applicant's attorney: John H. Benckenstein, P.O. Box 551, Beaumont, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding*, from, to and between points in Pulaski County, Ark., and points in the area beginning at Little Rock, Ark., and extending south along U.S. Highway 65 to junction U.S. Highway 80 at Tallulah, La., thence west along U.S. Highway 80 to junction U.S. Highway 59 at Marshall, Tex., thence north along U.S. Highway 59 to junction U.S. Highway 67 at Maud, Tex., thence northeast along U.S. Highway 67 to the point of beginning, including points on the indicated portions of the highways specified, and points within the States of Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, and Texas.

NOTE: Duplication with present authority to be eliminated.

No. MC 19201 (Sub No. 106), (Republication) filed January 22, 1959, published issue February 4, 1959, at page 838. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over alternate routes, transporting: *General commodities, including commodities in bulk, and commodities requiring special equipment*, but excluding Class A and B explosives, and household goods as defined by the Commission, in service auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company, (1) between Williamsport, Pa., and South Williamsport, Pa., from Williamsport over U.S. Highway 15 to South Williamsport, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, (2) between junction Pennsylvania Highways 405 and 54 and junction Pennsylvania Highways 54 and 44 near Turbotville, Pa., from junction Pennsylvania Highways 405 and 54 over Pennsylvania Highway 54 to junction Pennsylvania Highway 44, and return over the same route, serving no intermediate points, but serving said junctions for purposes of joinder only, as an alternate route for operating convenience only, (3) between junction Pennsylvania Highways 54 and 44 east of Turbotville, Pa., and Washingtonville, Pa., from junction Pennsylvania Highways 54 and 44 over Pennsylvania Highway 54 to Washingtonville, and return over the same route, serving no intermediate points, but serving said junction and Washingtonville for purposes of joinder only, as an alternate route, for operating convenience only, (4) between Danville, Pa., and junction Pennsylvania Highway 54 and U.S. Highway 122 near Atlas, Pa., from Danville over Pennsylvania Highway 54 to junction U.S. Highway 122 near Atlas, and return over the same route, but serving South Danville and Danville, Pa., and said junction for purposes of joinder only, and (5) between Elysburg, Pa., and Paxinos, Pa., from Elysburg over Pennsylvania Highway 242 to junction Pennsylvania Highway 742, thence over Pennsylvania Highway 742 to Paxinos, and return over the same route, serving no intermediate points, but serving Elysburg and Paxinos for purposes of joinder only, as an alternate route, for operating convenience only. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Indiana, and West Virginia.

NOTE: Dual operations or common control may be involved.

No. MC 42487 (Sub No. 391), filed February 17, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Ore. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, (1) Between points in Alaska; and (2) Between points in Alaska, on the one hand, and, on the other, points in Washington, Oregon, and California, and ports of entry on the International Boundary line between the United States and Canada in the States of Washington, Idaho, Montana, and North Dakota. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Iowa, Michigan, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming.

No. MC 66562 (Sub No. 1478), filed February 16, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service between Worthington, Minn., and Luverne, Minn., from Worthington, Minn., west on U.S. Highway 16 for approximately 9 miles to junction of State Aid Road 15; thence south $\frac{3}{4}$ mile on State Aid Road 15 to Rushmore, Minn., and return to U.S. Highway 16 over same route; thence west on U.S. Highway 16 approxi-

mately 22 miles to Luverne, Minn., and return over the same route serving the intermediate points of Adrain, Magnolia, and Rushmore, Minn. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the above service will be limited to transportation of express shipments having a prior or subsequent rail or air haul.

No. MC 76294 (Sub No. 10), filed February 19, 1959. Applicant: JOHN MOYER, JR., Star City, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles*, in brine, in tank vehicles (round bottom, full open top, wood and stainless steel), from Plymouth, Ind., to Muscatine, Iowa. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, and Pennsylvania.

No. MC 112595 (Sub No. 16), filed February 12, 1959. Applicant: FORD BROTHERS, INC., 2940 South Third Street, Ironton, Ohio. Applicant's attorney: Chas. T. Dodrill, 600 Fifth Avenue, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, namely, benzol, toluol and xylol, in bulk, in tank vehicles, from Middletown, Ohio, to Moundsville, W. Va., and returned and rejected shipments of the commodities specified in this application on return. Applicant is authorized to conduct operations in Kentucky, Michigan, Ohio, and West Virginia.

No. MC 114194 (Sub No. 19), filed February 16, 1959. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry feed ingredients and blends thereof*, in bulk, in tank vehicles, from Dupu, Ill., to points in Missouri, Illinois, Nebraska, Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, Kentucky, Indiana, Louisiana, Texas, Kansas, Oklahoma, Arkansas, Tennessee, Iowa, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Mississippi, and Alabama; and *Soap stocks and blends thereof* (from vegetable oils), in bulk, in tank vehicles, from the above-specified destination points to Dupu, Ill. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

No. MC 115691 (Sub No. 9), filed February 19, 1959. Applicant: R. J. COKER, doing business as COKER TRUCKING COMPANY, P.O. Box 398, Demopolis, Ala. Applicant's attorney: H. A. Lloyd, Lloyd & Dinning Building, Demopolis, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre conduit and fibre pipe*, in non-returnable shipping racks, and of *fittings and couplings* for such conduit and such pipe, from Orangeburg, N.Y., to points in

Arkansas, Mississippi, and Louisiana, and damaged or defective shipments of the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Ohio, and Tennessee.

No. MC 118642, filed February 16, 1959. Applicant: MOLLISON'S INC., Belmont Avenue, Belfast, Maine. Applicant's representative: Frank E. Southard, Jr., 128 State Street, Augusta, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank trailers, such as *sulphuric acid, anhydrous ammonia, nitrogen fertilizer solutions and fertilizer ammoniating solutions, liquid alum, and nitric acid*, from Searsport, Maine to Ports of Entry on the International Boundary line between the United States and Canada located in Maine, which are adjacent to the Province of New Brunswick.

MOTOR CARRIERS OF PASSENGERS

No. MC 99784 (Sub No. 1), filed February 16, 1959. Applicant: MAINE TRANSIT CORPORATION, 463 Congress Street, Portland, Maine. Applicant's attorney: Raymond E. Jensen, 415 Congress Street, Portland 3, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail and newspapers*, in the same vehicle with passengers, (1) Between Biddeford, Maine, and Portland, Maine: From Biddeford, Maine over U.S. Highway 1 to Portland; from Biddeford, to Saco, Maine, over Main Street of Biddeford and Saco; thence over Maine Highway 5 to Old Orchard Beach, Maine, and Pine Point, Maine, to junction of Maine Highway 9; thence over Maine Highway 9 to U.S. Highway 1; thence over U.S. Highway 1 to Portland; from Biddeford, to Saco, Maine, over Main Street of Biddeford and Saco; thence over Maine Highway 5 to Old Orchard Beach, Maine; thence over Maine Highway 98 to junction of U.S. Highway 1; thence over U.S. Highway 1 to Portland, and return over each of the above-described routes, serving all intermediate points. (2) Between Portland, Maine, and Berlin, N.H. From Portland, over Maine Highway 26 to Bethel, Maine; thence over U.S. Highway 2 to Gorham, N.H.; thence over New Hampshire Highway 16 to Berlin, and return over the same route, serving all intermediate points. (3) Between Lewiston, Maine, and Welchville, Maine: From Lewiston, over Maine Highway 11 to junction of Maine Highway 121; thence over Maine Highway 121 to Welchville, and return over the same route, serving all intermediate points. RESTRICTION: Applied-for authority to be restricted against transportation of passengers locally in either direction between Portland, Maine, and Gray, Maine. Applicant is conducting operations in Maine under the second proviso.

PETITION

No. MC 43654 and Subs thereunder, filed February 11, 1959. Petitioner: DIXIE OHIO EXPRESS, INC., 237

Fountain Street, P.O. Box 750, Akron 9, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Petition filed February 11, 1959, seeks: To waive Rule 101(e) of the Commission's Rules of Practice; To receive and consider the instant petition; To reopen petitioner's "grandfather" clause application; To reconsider, clarify and modify Certificates of Public Convenience and Necessity granted in Docket No. MC 43654 and Subs 1, 2, 6, 12, 14, 15, 16, 19, 23, 27, 29, and 31 by: (1) Removing restrictions against transportation of "dangerous articles" and in lieu thereof restricting said authorities against the transportation of "Class A and B explosives"; (2) Modifying commodity description of authority now authorizing the transportation of "Tires, tubes, rubber articles, cotton fabrics, wooden winding cores, and burlap discs, in truckloads," to read: "Tires, tubes, rubber articles, textile factory products, cord tire fabric, textile fabrics, wooden winding cores, and burlap discs, in truckloads"; and (3) Including "Service to and from points within 10 miles of Buffalo, N.Y., as intermediate and off-route points in connection with carrier's authorized regular-route operations", which authority was granted in Docket MC 43654, Sub 14, on March 7, 1949, and apparently through inadvertence was not brought forward in the consolidated Certificate of Public Convenience and Necessity issued on August 31, 1954. Petitioner also requests that the petition be handled without oral hearing.

APPLICATIONS UNDER SECTION 212(c) CONVERSION PROCEEDINGS

No. MC-95824 (Sub No. 1). Applicant: PAUL EUGENE MOISI AND JOSEPH A. MOISI, Anaheim, Calif. Carrier filed an application, under section 212(c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On December 31, 1958, the carrier requested dismissal of the application, and an order was entered on February 10, 1959, effective March 30, 1959, dismissing the application and discontinuing the proceeding.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 87361 (Sub No. 11), filed January 20, 1959. Applicant: PALMER LINES, INC., Sheffield Road, Sheffield, Mass. Mailing address: P.O. Box 630, Great Barrington, Mass. Applicant's attorney: William Biederman, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities and household goods as defined by the Commission*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, serving points in Connecticut as off-route points in connection with applicant's authorized regular route

operations. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE: The proposed application is directly related to proceeding in No. MC-F 7087, published January 28, 1959, at Page 631.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6871 (HAROLD MORSE AND HENRY J. HOLLEN—PURCHASE—WASHINGTON AUTO FREIGHT, INC.), published in the April 2, 1958, issue of the FEDERAL REGISTER on page 2166. Application filed February 24, 1959, for temporary authority under section 210a(b).

No. MC-F-7110. Authority sought for purchase by GATEWAY TRANSPORTATION CO., 2130-2150 South Avenue, La Crosse, Wis., of the operating rights and certain property of NORTHERN TRANSPORTATION COMPANY, 603 Liberty Street, Green Bay, Wis., and ANCHOR TRANSFER & STORAGE COMPANY, 43 John Street, Fond du Lac, Wis., and for acquisition by W. LEO MURPHY, EUGENE W. MURPHY, JOHN A. MURPHY and MICHAEL P. MURPHY, all of La Crosse, Wis., of control of such rights and property through the transaction. Applicants' attorneys: Drew L. Carraway, Suite 618 Perpetual Building, Washington 4, D.C., and Kenneth M. McLeod, Empire Building, Fond du Lac, Wis. Operating rights sought to be transferred: (NORTHERN TRANSPORTATION COMPANY) *General commodities* with certain exceptions including household goods and commodities in bulk as a common carrier over regular routes, between Green Bay, Wis., and Manitowoc, Wis., and between Neenah, Wis., and Oshkosh, Wis., serving all intermediate points, between Green Bay, Wis., and Milwaukee, Wis., between Fond du Lac, Wis., and Milwaukee, Wis., serving all intermediate and certain off-route points; between Saukville, Wis., and Milwaukee, Wis., and between Fond du Lac, Wis., and Kaukauna, Wis., for operating convenience only; between Menominee, Mich., and Clintonville, Wis., between Amberg, Wis., and Sturgeon Bay, Wis., serving all intermediate and certain off-route points, between Stiles Junction, Wis., and junction Wisconsin Highways 22 and 29, east of Shawano, Wis., serving certain intermediate points, between Gillett, Wis., and Suring, Wis., serving no intermediate points, and between junction Wisconsin Highway 22 and Oconto County Highway U and junction Shawano County V and Wisconsin Highway 22, serving certain intermediate and off-route points; be-

tween Kaukauna, Wis., and Appleton, Wis., serving all intermediate point, between Pulaski, Wis., and the junction of Wisconsin Highways 22 and 32 about three miles east of Gillett, Wis., serving all intermediate and certain off-route points, over several alternate routes for operating convenience only; between junction Brown County, Wis., Highway V and U.S. Highway 141 and the site of Green Bay, Wis., filtering plant, and between junction Brown County, Wis., Highways V and P and junction Brown County, Wis., Highway P and Wisconsin Highway 54, serving no intermediate points and serving junction Brown County Highways V and P for purpose of joinder only; (ANCHOR TRANSFER & STORAGE COMPANY) *general commodities* with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Fond du Lac, Wis., and Sheboygan, Wis., serving all intermediate and certain off-route points; *household goods*, over irregular routes, between points in Wisconsin within 75 miles of Fond du Lac, Wis., on the one hand, and, on the other, points in Minnesota, Illinois, Iowa, and the Northern Peninsula of Michigan; *general commodities* with certain exceptions including household goods and commodities in bulk, between points in Fond du Lac, Wis., and the Town of Fond du Lac, Fond du Lac County, Wis., and between Fond du Lac, Wis., and North Fond du Lac, Wis. Vendee is authorized to operate as a *common carrier* in Iowa, Minnesota, Missouri, Wisconsin, Ohio, Illinois, Michigan and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7111. Authority sought for purchase by BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street, Grand Rapids, Mich., of the operating rights of SYRACUSE FURNITURE FORWARDING CO., INC., 259 West Fayette Street, Syracuse, N.Y., and for acquisition by FRED W. WIERSUM and ROBERT K. WIERSUM, both of Grand Rapids, of control of such rights through the purchase. Applicants' attorney: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Operating rights sought to be transferred: *New furniture*, uncrated, as a *common carrier* over irregular routes, from Syracuse and Fayetteville, N.Y., to points in California and Florida, from Fayetteville, N.Y., to points in Virginia and Georgia, from Syracuse and Fayetteville, N.Y., to Memphis and Nashville, Tenn., New Haven, Conn., St. Louis, Mo., and Milwaukee, Wis., and from Fayetteville and Syracuse, N.Y., to Houston, Tex., and Oklahoma City, Okla.; *new furniture*, between Syracuse, Fayetteville, and Oneida, N.Y., on the one hand, and, on the other, Washington, D.C., and points in Illinois, Maryland, Massachusetts, Michigan, New Jersey, Ohio, and Pennsylvania, and between Grand Rapids, Mich., on the one hand, and, on the other, New York, N.Y. Vendee is authorized to operate as a *common carrier* in Michigan, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New Jersey, New York, Maryland, Iowa, Minnesota,

Connecticut, Rhode Island, Massachusetts, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7112. Authority sought for purchase by NEW ENGLAND TRANSPORTATION COMPANY, 402 Congress Street, Boston, Mass., of the operating rights of H. E. SWEZEY & SON MOTOR TRANSPORTATION, INC., 320 Broadway, New York, N.Y., and for acquisition by THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, 54 Meadow Street, New Haven, Conn., of control of such rights through the purchase. Applicants' attorneys: Herbert Burstein, 160 Broadway, New York 38, N.Y., and Palmer, Masia & Palmer, 320 Broadway, New York, N.Y. Operating rights sought to be transferred: *General commodities* with certain exceptions including household goods and excluding commodities in bulk as a *common carrier* over irregular routes, between points in Suffolk and Nassau Counties, N.Y., on the one hand, and, on the other, New York, N.Y., points in Passaic, Bergen, Hudson, Essex, Union, and Middlesex Counties, N.J., and those in the Philadelphia Commercial Zone as defined by the Commission in Philadelphia, Pa., Commercial Zone, 17 M.C.C. 533; *general commodities* with certain exceptions including household goods and commodities in bulk, between points in Nassau and Suffolk Counties, N.Y., restricted against the transportation of shipments moving in express service. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Jersey, New York, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7113. Authority sought for purchase by BELYEA TRUCK CO., 6800 South Alameda Street, Los Angeles 1, Calif., of a portion of the operating rights of FERGUSON TRUCKING COMPANY, INC., Post Office Box 637, Artesia, N. Mex., and for acquisition by MACCO CORPORATION, 14409 South Paramount Boulevard, Paramount, Calif., of control of such rights through the purchase. Applicants' attorneys: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif., and Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Operating rights sought to be transferred: *Heavy or cumbersome commodities*, which, because of size or weight, require the use of special equipment, as a *common carrier* over irregular routes between points in Texas and New Mexico. Vendee is authorized to operate as a *common carrier* in California, Arizona, Nevada, and New Mexico. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7114. Authority sought for purchase by VAN STONE, doing business as STONE TRUCKING CO., 4927 South Tacoma, Tulsa, Okla., of a portion of the operating rights of FERGUSON TRUCKING COMPANY, INC., 103 North Second Street, Artesia, N. Mex. Applicants' attorneys: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2,

Okla., and Alvin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver 2, Colo. Operating rights sought to be transferred: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, as a *common carrier* over irregular routes, between points in New Mexico, between points in New Mexico on the one hand, and, on the other, points in Oklahoma, and between certain points in Texas on the one hand, and, on the other, points in Utah and Wyoming. Vendee is authorized to operate as a *common carrier* in Oklahoma, Montana, South Dakota, North Dakota, Arkansas, Illinois, Texas, Kansas, New Mexico, Louisiana, and Nevada. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7115. Authority sought for purchase by C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex., of a portion of the operating rights of FERGUSON TRUCKING COMPANY, INC., 103 North Second Street, Artesia, N. Mex., and for acquisition by W. O. HARRINGTON, Coppell, Tex., of control of such rights through the purchase. Applicants' attorneys: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla., and Alvin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver 2, Colo. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier*, over irregular routes, between points in Texas; *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Texas within 250 miles of Seagraves, Tex., between points in New Mexico and Kansas, between points in Kansas, New Mexico, Oklahoma, and certain points in Texas, on the one hand, and, on the other, points in Arizona and Colorado, and between points in Kansas, New Mexico, and Oklahoma on the one hand, and, on the other, points in Utah and Wyoming; *heavy or cumbersome commodities*, which, because of size or weight, require the use of special equipment, between certain points in Texas, on the one hand, and, on the other, points in Arizona. Vendee is authorized to operate as a

common carrier in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Mississippi, Illinois, Indiana, Kentucky, Arkansas, North Dakota, South Dakota, Wisconsin, Nevada, Colorado, Pennsylvania, Montana, Wyoming, Tennessee, Ohio, Oregon, Washington, Minnesota, Michigan, Iowa, New Jersey, New York, and Utah. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7116. Authority sought for purchase by NEFF TRUCKING COMPANY, INC., 622 North Second Avenue, Sterling, Colo., of a portion of the operating rights of R. L. ROGERS, H. L. ROGERS, AND H. L. ROGERS, JR., doing business as ROGERS TRUCK LINE, P.O. Box 116, Sidney, Nebr., and for acquisition by ERNEST H. NEFF and MARION NEFF, both of Sterling, of control of such rights through the purchase. Applicants' attorneys: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo., and Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. Operating rights sought to be transferred: *Heavy machinery, road contractors' equipment and supplies*, as a common carrier over irregular routes, between points in Colorado, and Wyoming; *machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe except the stringing or picking up of pipe in connection with main pipe lines, between points in Nebraska on and west of U.S. Highway 83, on the one hand, and, on the other, certain points in Colorado and Wyoming; *machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Nebraska and between certain points in Nebraska, Colorado and Wyoming, on the one hand, and, on the other, certain points in North Dakota, South Dakota, and Montana. Vendee is authorized to operate as a common carrier in Colorado and Nebraska. Application has not been filed for temporary authority under section 210a(b).

By the Commission

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-1848; Filed, Mar. 3, 1959;
8:47 a.m.]

[Notice 75]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICE

FEBRUARY 27, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 61440 (Deviation No. 5), LEE WAY MOTOR FREIGHT, INC., P.O. Box 2488, Oklahoma City 8, Okla., filed February 20, 1959. Carrier proposes to operate as a common carrier by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Oklahoma City, Okla., and junction U.S. Highways 60 and 177 approximately two miles east of Tonkawa, Okla., as follows: from Oklahoma City over Oklahoma Highway 74 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 177 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Oklahoma City, Okla., over U.S. Highway 77 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to junction Oklahoma Highway 40, thence over Oklahoma Highway 40 to Ponca City, Okla.; and from Ponca City, Okla., over U.S. Highway 60 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction U.S. Highway 81, thence over U.S. Highway 81 to Wichita, Kans., and return over the same routes.

No. MC 61471 (Deviation No. 2), BENJAMIN MOTOR EXPRESS, INC., 2-32 Vine Street, Everett 49, Mass., filed February 17, 1959. Attorney for said carrier, Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Carrier proposes to operate as a common carrier, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Western Terminus of the New England Section of the New York State Thruway at the intersection of Bruckner Boulevard and Westchester Avenue, in the Bronx, New York City, N.Y., and the junction of the Bryam River Bridge at the New York-Connecti-

cut State line with the Western Terminus of the Connecticut Turnpike near Port Chester, N.Y., as follows: from the Western Terminus of the New England Section of the New York State Thruway over the New England Section of the New York State Thruway and access routes to junction Bryam River Bridge with the Western Terminus of the Connecticut Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Boston, Mass., and New York, N.Y., over the following pertinent routes: from Boston over U.S. Highway 1 to New York; and from Boston over Massachusetts Highway 9 to Worcester, Mass., thence over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to New Haven, Conn., and thence over U.S. Highway 1 to New York.

No. MC 75320 (Deviation No. 6), CAMPBELL-66-EXPRESS, INC., P.O. Box 390, Springfield, Mo., filed February 20, 1959. Carrier proposes to operate as a common carrier by motor vehicle of *general commodities*, with certain exceptions over a deviation route, between Seneca, Mo., and Fort Smith, Ark., as follows: from Seneca over Missouri Highway 43 to junction Missouri Highway 90, thence over Missouri Highway 90 to junction Missouri-Oklahoma State line, thence over Oklahoma Highway 25 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 64, thence over U.S. Highway 64 to Fort Smith, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from junction U.S. Highways 60 and 69 near Kip, Okla., over U.S. Highway 60 to Seneca, Mo., thence over Missouri Highway 43 to Joplin, Mo.; and from Joplin, Mo., over U.S. Highway 71 to Fort Smith, Ark.; and return over the same routes.

No. MC 78632 (Deviation No. 2), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed February 25, 1959. Attorney for said carrier Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Carrier proposes to operate as a common carrier by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Louisville, Ky., and Knoxville, Tenn., as follows: from Louisville over U.S. Highway 60 to Lexington, Ky., thence over U.S. Highway 25 to Corbin, Ky., thence over U.S. Highway 25W to Knoxville and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Louisville, Ky., and Knoxville, Tenn., over the following pertinent route: from Louisville, over U.S. Highway 31W to Elizabethtown, Ky., thence over Kentucky Highway 61 to Hodgenville, Ky., thence over U.S. High-

way 31E to Glasgow, Ky., thence over Kentucky Highway 63 to the Kentucky-Tennessee State line, thence over Tennessee Highway 52 to Livingston, Tenn., thence over Tennessee Highway 84 to Monterey, Tenn., thence over U.S. Highway 70N to Crossville, Tenn., thence over U.S. Highway 70 to Knoxville.

No. MC 108587 (Deviation No. 2), SCHUSTER'S EXPRESS, INC., 48 Norwich Avenue, Colchester, Conn., filed February 24, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between the Western Terminus of the New England Section of the New York State Thruway at the intersection of Bruckner Boulevard and Westchester Avenue in the Bronx New York City, N.Y., and the junction of the Bryam River Bridge at the New York-Connecticut State line with the Western Terminus of the Connecticut Turnpike near Port Chester, N.Y., as follows: from the Western Terminus of the New England Section of the New York State Thruway over the New England Section of the New York State Thruway and access routes to junction Bryam River Bridge with the Western Terminus of the Connecticut Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between New Haven, Conn., and New York, N.Y., over U.S. Highway 1.

No. MC 111383 Sub 5 (Deviation No. 2), BRASWELL MOTOR FREIGHT LINES, INC., 201 Raynolds Boulevard, El Paso, Tex., filed February 24, 1959. Attorney for said carrier, M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between Coachella, Calif., and Holtville, Calif., as follows: from Coachella over California Highway 111 to Brawley, Calif., thence over unnumbered highway to Holtville and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is authorized to transport the same commodities between Coachella, Calif., and Holtville, Calif., over the following pertinent route: from Coachella over U.S. Highway 99 to El Centro, Calif., thence over U.S. Highway 80 to Holtville.

MOTOR CARRIERS OF PASSENGERS

No. MC 109780 (Deviation No. 1), TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex., filed February 24, 1959. Attorney for said carrier, Alfred Crager, 315 Continental Avenue, Dallas, Tex. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers* over a deviation route, between Royse City, Tex., and Greenville, Tex., as follows: from Royse City over Interstate Highway 30 to junction Texas Highway 34, thence over Texas Highway 34 to Greenville and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently au-

thorized to transport passengers between Dallas, Tex., and Greenville, Tex., over U.S. Highway 67.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-1845; Filed, Mar. 3, 1959;
8:47 a.m.]

[Notice 7]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

FEBRUARY 27, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by Special Rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provide, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

No. MC 7381 (Sub No. 6), filed November 20, 1958. Applicant: WEBB'S TRANSPORT, INC., 166 South Main Street, Suffolk, Va. Applicant's attorney: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Tea*, from Hoboken, N.J., to Suffolk, Va.

No. MC 41192 (Sub No. 6), filed December 10, 1958. Applicant: GRAND RAPIDS MOTOR EXPRESS, INC., 101 Grandville Avenue SW., Grand Rapids 2, Mich. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, berries, and vegetables*, from Chicago, Ill., and points in the lower peninsula of Michigan to points in the lower peninsula of Michigan; and from points in the lower peninsula of Michigan to points in Illinois and Indiana.

No. MC 47171 (Sub No. 79), filed December 8, 1958. Applicant: COOPER MOTOR LINES, INC., 301 Hammett Street Extension, Park Place, Greenville, S.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool* imported from any foreign coun-

try, *wool tops and noils*, and *wool waste* (carded, spun, woven, or knitted), from Charleston, S.C., Lodi, Paterson, and Roselle Park, N.J., Philadelphia, Pa., and New York, N.Y., to Aberdeen, Columbus, and Rutherfordton, N.C.

No. MC 55811 (Sub No. 48), filed November 17, 1958. Applicant: CRAIG TRUCKING, INC., State Highway 67, Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, between points in Indiana, Illinois, Ohio, those in the lower peninsula of Michigan, those in Iowa within 10 miles of the Iowa-Illinois State line, those in Missouri within 10 miles of the Missouri-Illinois State line, those in Kentucky within 10 miles of the Kentucky-Illinois, Kentucky-Indiana, and Kentucky-Ohio State lines, those in West Virginia within 10 miles of the West Virginia-Pennsylvania-Ohio State lines, those in Alleghany, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannette, Schenley, and South Connellsville, Pa., and points within 10 miles of each.

No. MC 73381 (Sub No. 7), filed December 8, 1958. Applicant: HARRIS TRUCK LINES INCORPORATED, 3002 East Century Boulevard, Lynwood, Calif. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from points in California, Washington, Oregon, Idaho, Utah, Colorado, Missouri, Illinois, Minnesota, Wisconsin, Nebraska, Iowa, Baltimore, Md., Louisville, Ky., Michigan, Kansas, Colorado, New York, N.Y., California, and Utah.

No. MC-80430 (Sub No. 92), filed November 28, 1958. Applicant: GATEWAY TRANSPORTATION CO., a Corporation, 2130-50 South Avenue, La Crosse, Wis. Applicant's attorney: Joseph E. Ludden, 2130-50 South Avenue, La Crosse, Wis. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from Waseca, Fairmont, and Winnebago, Minn., to Chicago and Rockford, Ill., to Detroit, Mich., Cleveland, Canton, Akron, and Toledo, Ohio, St. Louis and Vinita Park, Mo., Sharon, Pa., Des Moines and Burlington, Iowa, Lafayette, Ind., and Milwaukee, Wis.

No. MC 107816 (Sub No. 39), filed December 10, 1958. Applicant: COKER FREIGHT LINES, INC., Florence Avenue, P.O. Box 93, Sumter, S.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool* imported from any foreign country, from Norfolk, Va., and Charleston and N. Charleston, S.C., to Bennettsville and Marlboro, S.C.

No. MC 108466 (Sub No. 5), filed December 9, 1958. Applicant: BELMONT TRUCKING COMPANY, INC., Room 15 Commonwealth Avenue., Boston, Mass. Applicant's representative: Gerard J. Donovan, 37 Leighton Road, Hyde Park 36, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, bananas, hemp, wool* imported from any foreign country, *wool tops and noils, and wool waste* (carded, spun woven or knitted), from points in the New York N.Y., Commercial Zone, Danbury, Conn., Canton and Boston, Mass., and Portland, Maine, to Newton Lower Falls, Franklin, Boston, and Lawrence, Mass., Woonsocket and Providence, R.I., New York and Hudson, N.Y.

No. MC 109540 (Sub-No. 15), filed December 8, 1958. Applicant: YEARY TRANSFER COMPANY, INC., Rural Route, Winchester, Ky. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool* imported from any foreign country, *wool tops and noils*, in straight and in mixed loads with *certain exempt commodities, and wool waste* (carded, spun, woven, or knitted), between points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Mississippi, Missouri, North Carolina, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and Virginia.

NOTE: Applicant states that the above commodities were transported in truckloads and in mixed shipments with exempt agricultural commodities listed in Administrative Ruling 107.

No. MC 113267 (Sub No. 2), filed October 31, 1958. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables, and frozen poultry and frozen fish* when shipped with any of the above-named commodities, as a mixed shipment, from Dyersburg, Tenn., Eau Claire, St. Joseph, and Sodus, Mich., Montezuma, Ga., and Leesburg, Tampa, and Winterhaven, Fla., to Chicago and Rock Island, Ill., Detroit, Mich., Fort Wayne and Indianapolis, Ind., Manhattan and Wichita, Kans., Minneapolis, Minn., Milwaukee, Wis., Mobile, Ala., Omaha, Nebr., and St. Louis, and Kansas City, Mo.; *bananas*, from Charleston, S.C., Mobile, Ala., New Orleans, La., and Tampa, Fla., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri,

Nebraska, Ohio, Tennessee, and Wisconsin.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 50132 and sub numbers thereunder. Dual operations under section 210 may be involved.

No. MC 113802 (Sub No. 1), filed November 17, 1958. Applicant: CENTURY PRODUCE SYSTEM, INC., 135 North State Street, Zeeland, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, frozen fruits, frozen berries, frozen vegetables and coffee beans*, between points in Michigan, Wisconsin, Florida, Illinois, Indiana, Georgia, Minnesota, New York, Pennsylvania, and Tennessee.

No. MC 116557 (Sub-No. 1), filed December 4, 1958. Applicant: H. G. KNOEPFEL, doing business as KNOEPFEL TRUCKING COMPANY, 1521 Lindy Lane, Twin Falls, Idaho. Applicant's attorney: Kenneth G. Bell, 203 McCarty Building, Boise, Idaho. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Idaho south of the Salmon River, to points in Ohio, Missouri, Kentucky, Indiana, Illinois, Michigan, Nebraska, Iowa, Minnesota, Wisconsin, Virginia, West Virginia, and Kansas. Applicant indicates that *frozen fish* will be transported in mixed shipments with the above-described commodities, and seeks authority to continue such operations.

No. MC 117421 (Sub-No. 1), filed December 5, 1958. Applicant: COAST REFRIGERATED TRANSPORT CO., an Oregon Corporation, 15 Coburg Road, Eugene, Oregon. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oregon. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, between points in California, Oregon, and Washington.

No. MC 117667, filed September 29, 1958. Applicant: MELVIN OLSEN, doing business as MELVIN OLSEN PRODUCE, Route No. 1, Fort Atkinson, Wis. Applicant's attorneys: Earl H. Munson, Munson Building, Cambridge, Wis., and Edward Solie, 715 First National Bank Building, Madison 3, Wis. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Chicago, Ill., to points in that part of Wisconsin on and south of Wisconsin Highway 64, and mixed shipments of *fresh fruits, vegetables, and berries*, when shipped with bananas.

No. MC 117672 filed October 2, 1958. Applicant: FRANK LOUIS CRENSHAW, 4838 Southside Drive, Louisville, Ky.

Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Mobile, Ala., Tampa, Miami, and Jacksonville, Fla., Norfolk, Va., New York, N.Y., and Beaumont, Tex., to Louisville, Ky., Cleveland, Cincinnati, Canton, and Akron, Ohio.

No. MC 117686, filed November 21, 1958. Applicant: RAYMOND C. HIRSCHBACH, doing business as HIRSCHBACH'S FRUITS AND VEGETABLES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from points in California, to Sioux City, Iowa, and Omaha and Lincoln, Nebr.; *coffee beans*, from New Orleans, La., to Sioux City, Iowa; and *bananas*, from Galveston and Brownsville, Tex., Mobile, Ala., and New Orleans, La., to points in Iowa, Nebraska, Minnesota, Sioux Falls, S. Dak., Rock Island, Ill., St. Louis, Kansas City, and St. Joseph, Mo., and Indianapolis, Indiana. Applicant states that in addition, he was, and still is, engaged in the transportation of the above-described commodities in mixed shipments with *certain exempt commodities*, such as sweet potatoes and coconuts, and applicant here seeks authority to so continue.

No. MC 117743, filed October 24, 1958. Applicant: PETER R. JACOBS, doing business as CENTRAL BANANA CARRIERS, 3129 Lamb Avenue, Richmond, Va. Applicant's attorney: Calvin F. Major, 1304 State-Planters Bank Building, Richmond 19, Va. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Norfolk, Va., Baltimore, Md., Philadelphia, Pa., New York, N.Y., Charleston, S.C., and Jacksonville, Miami, and Tampa, Fla., to points in Florida, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. From New Orleans, La., to points in Florida, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 117788, filed November 3, 1958. Applicant: JOHN K. RAMSEY, doing business as RAMSEY PRODUCE TRUCKING, 29150 Bretton Road, Livonia, Mich. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, coffee beans, bananas, and wool waste* (carded, spun, woven, or knitted),

from points in New York, Michigan, Missouri, and Minnesota, to El Paso, Tex., Denver, Colo., St. Paul, Minn., Kansas City, and St. Louis, Mo., points in Virginia, Tennessee and Kentucky, Chicago, Ill., points in Michigan and New Jersey, New York, N.Y., Madison, Wis., Cincinnati, Ohio, Atlanta, Ga., and Des Moines, Iowa.

No. MC 117815, filed November 10, 1958. Applicant: PULLEY FREIGHT LINES, INC., East 24th and Easton, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, coffee beans, tea and bananas*, from points in Illinois, Missouri, and New York to points in Illinois, Iowa, Michigan, and Nebraska.

NOTE: Applicant holds contract carrier authority in Permit No. MC 22619 and Sub numbers thereunder. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier assigned Docket No. MC 22619 (Sub No. 9). Dual operations under section 210 may be involved.

No. MC 117845, filed November 17, 1958. Applicant: JOSEPH MIZENIS, P.O. Box 33, Almonesson, N.J. Applicant's representative: Jacob Polin, 314 Old Lancaster Road, Merion, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., New York, N.Y., Philadelphia, Pa., and Weehawken, N.J., to points in Delaware, Maryland, New York, New Jersey, Pennsylvania, and Washington, D.C.

No. MC 117849, filed November 17, 1958. Applicant: WALTER HOLM & COMPANY, a corporation, 847 Grand Avenue, Nogales, Ariz. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, between points in California and Arizona.

No. MC 117867, filed November 21, 1958. Applicant: JOHN W. SMITH, 1716 Alexander Circle, Pueblo, Colo. Applicant's attorney: Dale P. Tursi, 423 Colorado Building, Pueblo, Colo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Gulfport, Miss., to Pueblo and Colorado Springs, Colo.

No. MC 117873, filed November 24, 1958. Applicant: GEORGE E. HARMAN, JR., Box 9372, State Farmers Market, Columbia, S.C. Applicant's attorneys: E. B. Ussery, Security Federal Building, Columbia 1, S.C., and Charles D. Davis, 606 Security Federal Building, Columbia, S.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate

as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from North Atlantic, South Atlantic, Gulf Ports, and Columbia, S.C., to Columbia, S.C., Raleigh and Winston-Salem, N.C., Richmond and Norfolk, Va., Bristol, Tenn., and Tampa, Fla.

No. MC 117882, filed November 24, 1958. Applicant: WILLIAM REID LAMB, doing business as LAMB TRUCKING, 1921 West 17th South, Salt Lake City, Utah. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from Provo, Utah, Astoria, Oreg., and Seattle, Wash., to Denver, Colo., and Ogden, Utah. Applicant states that the above-specified commodities will be transported in mixed shipments with *certain exempt commodities*.

No. MC 117885 (Sub No. 1), filed November 28, 1958. Applicant: CHARLES J. HASHEM AND JOSEPH HASHEM, doing business as HASHEM BROTHERS, 348 North Rebecca Avenue, Scranton, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., New York, N.Y., and points in New Jersey, to Wilkes-Barre and Scranton, Pa.

No. MC 117947 filed December 1, 1958. Applicant: THE KENDALL COMPANY, a Corporation, 309 West Jackson Boulevard, Chicago 6, Ill. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to Chicago and Rockford, Ill., and Indianapolis, Ind., and points within 10 miles thereof.

No. MC 117959, filed December 9, 1958. Applicant: R. E. ADKINS, 241 Knoll Road, Roanoke, Va. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Miami and Tampa, Fla., Charleston, S.C., Baltimore, Md., New York, N.Y., and Weehawken, N.J., to Roanoke, Lynchburg, Richmond, Danville, and Norfolk, Va.

No. MC 117972, filed December 3, 1958. Applicant: GROWERS COLD STORAGE CO., INC., Waterport, N.Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohave, Buffalo 2, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Massachusetts, New Jersey, New York, and Pennsylvania to points in Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Ohio.

No. MC 117997, filed December 4, 1958. Applicant: BILL GOLDSTON, INC., Leaksville, N.C. Applicant's attorney: Clifford Frazier, Jr., 401-5 Banner Build-

ing, Greensboro, N.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Bananas*, from points in New Jersey, New York and Florida, to points in North Carolina.

No. MC 118014, filed December 4, 1958. Applicant: PAUL J. RAMEY, 406 South St. James Boulevard, Evansville, Ind. Applicant's attorney: William L. Mitchell, 314-16 Old National Bank Building, Evansville 8, Ind. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Tampa, Miami, and Fort Lauderdale, Fla., and Mobile, Ala., to Evansville, Ind.

No. MC 118075, filed December 8, 1958. Applicant: G. E. CROSSMAN, doing business as CROSSMAN TRUCKING COMPANY, 1917 West Grant, Phoenix, Ariz. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from points in Los Angeles and Riverside Counties, points in San Joaquin Valley, including Fresno, Turlock, Stockton, and other towns, and points in San Martin Valley, including San Jose, Calif., to points in and near Phoenix (in Salt River Valley), and points in and near Tucson, Ariz.

No. MC 118183, filed December 8, 1958. Applicant: MYLES LOUIS MILLER, 2714 Decatur Street, New Orleans, La. Applicant's representative: Thomas N. Lennox, 917 Richards Building, New Orleans, La. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, and bananas*, from New Orleans, La., to points in Louisiana, Mississippi, Arkansas, Tennessee, Missouri, Illinois, Minnesota, Iowa, South Dakota, Kansas, Nebraska, Oklahoma, Wisconsin, Ohio, and Michigan.

No. MC 118271, filed December 8, 1958. Applicant: ZERO KIST CORPORATION, P.O. Box 429, Prosser, Wash. Applicant's attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Washington, Oregon and California, to points in Washington, Oregon, California, and Idaho and Ports of Entry on the boundary between the United States and Canada, in Washington and Idaho, destined to points in British Columbia, Canada.

No. MC 118280, filed December 9, 1958. Applicant: GEORGE J. VAKOUTIS, doing business as ATLAS TRUCKING CO., 1925 Burnwood Road, Baltimore 14, Md. Applicant's attorney: I. Agnew Myers, Jr., Warner Building, Washington, D.C. Grandfather authority sought under sec-

tion 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool imported from any foreign country, wool tops and noils, and wool waste* (carded, spun, woven, or knotted), between points in the Philadelphia, Pa., Commercial Zone, and Adamstown, Pa., on the one hand, and, on the other, Dickeyville and Oella, Md.

No. MC 118300, filed December 10, 1958. Applicant: ROBERT R. BURNS, 1307 Garden Avenue, St. Paul 13, Minn. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from points in California, Wisconsin and Michigan to points in Illinois, Wisconsin, Nebraska, Iowa, Minnesota, California, and Michigan.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-1846; Filed, Mar. 3, 1959;
8:47 a.m.]

[Notice 3]

APPLICATIONS FOR MOTOR CARRIER CERTIFICATE OR PERMIT COVER- ING OPERATIONS COMMENCED DURING THE "INTERIM" PERIOD, AFTER MAY 1, 1958, BUT ON OR BEFORE AUGUST 12, 1958

FEBRUARY 27, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "interim" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by Special Rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provide, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

No. MC 67118 (Sub No. 8), (Correction), filed December 9, 1958, published page 1273, issue of February 18, 1959. Applicant: STRONG MOTOR LINES, INCORPORATED, 2311 West Main Street, P.O. Box 8821, Richmond 25, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting:

No. 43—7

Wool tops and noils, from Richmond and Norfolk, Va., to Raleigh, N.C., and Jamestown, S.C.

NOTE: Previous publication covered the transportation of wool, from any foreign country, in error. The correct commodities are named above.

No. MC 109540 (Sub-No. 16), filed December 8, 1958. Applicant: YEARY TRANSFER COMPANY, INC., Rural Route, Winchester, Ky. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool imported from any foreign country, wool tops and noils, and wool waste* (carded, spun, woven, or knitted), in straight and in mixed loads with *certain exempt commodities*, between points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Mississippi, Missouri, North Carolina, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and Virginia.

NOTE: Applicant states that the above commodities were transported in truckloads and in mixed loads with exempt agricultural commodities listed in Administrative Ruling 107.

No. MC 118002, filed December 8, 1958. Applicant: C. M. MILLS, doing business as MILLS WHOLESALE PRODUCE COMPANY, P.O. Box 65, Winfield, Ala. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., and New Orleans, La., to Birmingham Ala.

No. MC 118032, filed December 5, 1958. Applicant: PRIMO MARIANELLI, Remington and Locust Streets, Scranton, Pa. Applicant's attorney: Richard V. Zug, 1418 Packard Building, Philadelphia 2, Pa. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Bananas*, from Weehawken, N.J., to Scranton, Pa., from Weehawken over New Jersey Highway 3 to junction U.S. Highway 46, thence over U.S. Highway 46 to Columbia, N.J., thence over U.S. Highway 611 to Daleville, Pa., and thence over Pennsylvania Highway 307 to Scranton, Pa., serving all intermediate points. From Baltimore, Md., to Scranton, Pa., over U.S. Highway 11, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 118269, filed December 9, 1958. Applicant: JOHN E. COX, doing business as FOOD EXPRESS, 89 Eastern Avenue, Gloucester, Mass. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Boston, Mass., to Ports of Entry on the boundary between the United States and Canada, in Maine (destined for points in Nova Scotia, Canada).

No. MC 118334, filed December 9, 1958. Applicant: LOUIS E. MESSINA, doing business as GATEWAY TRUCKING COMPANY, 190 Orient Ave., East Boston, Mass. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., and points in the New York, N.Y. Commercial Zone, and Weehawken, N.J., to Boston, Mass.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-1847; Filed, Mar. 3, 1959;
8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 27, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35264: *T.O.F.C. service—Aluminum sulphate from and to points in the southwest*. Filed by Southwestern Freight Bureau, Agent (No. B-7491), for interested rail carriers. Rates on aluminum sulphate, dry, or paper makers alum, dry, loaded in or on trailers and transported on railroad flat cars from and to points in the southwest.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 48 to Southwestern Freight Bureau tariff I.C.C. 4285 and two other schedules.

FSA No. 35265: *Phosphates—Anaconda, Mont., to western points*. Filed by Trans-Continental Freight Bureau, Agent (No. 356), for interested rail carriers. Rates on ammonium phosphate acidulated phosphate, and acidulated and ammoniated phosphate, carloads from Anaconda, Mont., to specified points in Colorado, Nebraska, South Dakota, and Wyoming.

Grounds for relief: Modified short-line distance formulas and market competition with producers in southwestern and western trunk line territories.

Tariff: Supplement 27 to Trans-Continental Freight Bureau tariff I.C.C. 1604.

FSA No. 35266: *Rock salt—Morton, Ohio to Louisville, Ky.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2399), for interested rail carriers. Rates on rock salt, loose or in bulk, carloads from Morton, Ohio to Louisville, Ky.

Grounds for relief: Market competition with Detroit, Mich.

Tariff: Supplement 77 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4198 (Hinsch series).

FSA No. 35267: *Onions and onion sets—Western points to southern territory*. Filed by Western Trunk Line Committee, Agent (No. A-2042), for interested rail carriers. Rates on onions

(without tops) and onion sets, carloads from points in Colorado, Idaho, Kansas, Nebraska, Utah, and Wyoming to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Grounds for relief: Market competition and short-line distance formula.

Tariff: Supplement 50 to Western Trunk Line Committee tariff I.C.C. A-4016.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-1844; Filed, Mar. 3, 1959;
8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

TH. HEIMANS

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Th. Heimans, Administrator, Estate of A. Wijnberg, 237 Weteringschans, Amsterdam, The Netherlands; \$263.57 in the Treasury of the United States.

Claim No. 62081; Vesting Order No. 17950.

Executed at Washington, D.C., on February 24, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-1841; Filed, Mar. 3, 1959;
8:46 a.m.]

ANNINA CRIVELLI

Amended Notice of Intention To Return Vested Property

The Notice of Intention To Return Vested Property to Angelo Ricciuti, which was published in the FEDERAL REGISTER on February 22, 1957 (22 F.R. 1095), pursuant to section 32(f) of the Trading With the Enemy Act, as amended (50 U.S.C. App. 32(f)), is hereby amended to delete therefrom the name of Angelo Ricciuti, and substituting the following name in his stead: "Annina Crivelli, Pescara, Italy, Claim No. 40346".

All other provisions of said Notice of Intention To Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D.C., February 24, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-1842; Filed, Mar. 3, 1959;
8:46 a.m.]

[Claim 61671]

EMILIE EGLI-MUFF

Amended Notice of Intention To Return Vested Property

The Notice of Intention to Return Vested Property to Hans Egli-Muff, which was published in the FEDERAL REGISTER on June 6, 1957 (22 F.R. 4005) is hereby amended by deleting therefrom, as claimant, the name of "Hans Egli-Muff" who is now deceased, and substituting in place thereof the name "Emilie Egli-Muff, Hachdorf, Switzerland".

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D.C., on February 24, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-1843; Filed, Mar. 3, 1959;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 217]

OHIO

Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following Coun-

ties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Putnam, Van Wert, Wood and Crawford (Floods occurring on or about February 7 and 8, 1959).

Office: Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1959.

Dated: February 19, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-1839; Filed, Mar. 3, 1959;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1206]

EQUITY FUND, INC.

Notice of Filing of Application for Exemption

FEBRUARY 24, 1959.

Notice is hereby given that Equity Fund, Incorporated ("Applicant"), a registered management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Applicant from the provisions of section 15(a) of the Act, to the extent that such provisions require stockholder approval of investment advisory contracts. The requested exemption is to be effective retroactively from August 12, 1958, until the annual meeting of stockholders, which is scheduled to be held on February 24, 1959.

Section 15(a) of the Act provides in substance that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company except pursuant to a written contract approved by the vote of a majority of the outstanding voting securities of such registered company, and further requires that any such contract shall provide for its automatic termination in the event of its assignment by the investment adviser.

Section 2(a)(4) defines "assignment" to include any direct or indirect transfer of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

Pacific Northwest Company has been furnishing the Applicant with investment management services pursuant to written contracts since the Act was enacted. The most recent management contract was dated February 29, 1956, became effective January 1, 1957, and by its terms was for a period of ten years expiring December 31, 1966. Said con-

tract was approved by a majority of the outstanding shares of Applicant and provides that, in the event of its assignment, it shall terminate as of the date of such assignment.

Pacific Northwest Company is a wholly-owned subsidiary of United Pacific Corporation. On August 12, 1958, Ben B. Ehrlichman sold 14,061 shares of the common stock of United Pacific Corporation (there being then, and now outstanding, 21,500 shares of common stock) to a group of persons, all of whom were then, and now are, directors of United Pacific Corporation at a price of \$42.50 per share which was substantially less than the book value of such shares at the time. The purchasers were Norton Clapp, D. K. MacDonald, Nat S. Rogers and William S. Street. On the same date the shares sold were placed in a voting trust which designated the purchasers and the seller as voting trustees.

A question has been raised by the staff of the Securities and Exchange Commission as to whether the transfer by Ben B. Ehrlichman of the controlling block of common stock of United Pacific Corporation on August 12, 1958, constituted an "assignment" of the Investment Advisory Contract under the provisions of the Act. Counsel for Applicant has advised Applicant that such transfer of the controlling block of common stock of United Pacific Corporation did not constitute an "assignment" of the Investment Advisory Contract pursuant to section 2(a)(4) of the Act. Under the provisions of section 2(a)(4) an assignment of the contract would automatically terminate it.

In view, however, of the difference of opinion with respect to the interpretation of section 2(a)(4) of the Act Applicant has decided to submit the Investment Advisory Contract to the shareholders for their approval at the annual meeting of the shareholders to be held on February 24, 1959. The proxy statement and the notice of such meet-

ing set forth this matter as one of the matters to be considered and acted upon at the annual meeting. There will also be submitted to the stockholders the matter of retroactive approval of the Investment Advisory Contract for the period from August 12, 1958 to the date of the annual meeting or any adjournment thereof. The proxy statement also sets forth that Applicant has applied to this Commission for an exemption, exempting Applicant from the provisions of section 15(a) for the period from August 12, 1958 to the date retroactive approval of the contract by the shareholders is given.

The character of the investment advisory services rendered to the company by Pacific Northwest Company since August 12, 1958 is stated to be exactly the same as rendered prior to that date without any change in personnel. The five voting trustees, who now, pursuant to the voting trust agreement, have the power to exercise voting control of the controlling block of voting stock of the United Pacific Corporation were for some time prior to August 12, 1958, directors of United Pacific Corporation.

It is contended that Pacific Northwest Company should be compensated for investment advisory services furnished to Applicant, since August 12, 1958, because both Applicant and Pacific Northwest Company have proceeded in good faith and on the advice of counsel in the carrying out of the investment advisory contract since that date.

The amount of fees paid and payable to the investment adviser, Pacific Northwest Company, under the Investment Advisory Contract for the period from August 12, 1958, to February 24, 1959, will amount to approximately \$133,147.00. The expense incurred by Pacific Northwest Company in performing the investment advisory services under such contract for the period from August 12, 1958, to February 24, 1959, is estimated to be the sum of \$56,721.00.

It is claimed that the income received from, and the expense incurred in connection with, the performance of the Investment Advisory Contract is not evenly distributed through the months of the calendar year. The investment advisory fees payable under the terms of the said contract for the calendar year 1958 amount to \$190,962.00, while the estimated expense to Pacific Northwest Company for performing these services during the year of 1958 under the Investment Advisory Contract is the sum of \$105,528.00.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 10, 1959, at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F.R. Doc. 59-1838; Filed, Mar. 3, 1959; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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